California State Board of Education

Meeting Agenda Items for May 9-10, 2012

Vision, Mission, and Goals

California State Board of Education.

VISION

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

MISSION

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

GOALS

1. *Standards.* Adopt and support rigorous academic content and performance standards in the four core subjects for kindergarten and grades 1 through 12.
2. *Achievement.* Ensure that all students are performing at grade level or higher, particularly in reading and math, at the end of each school year, recognizing that a small number of exceptional needs students must be expected, challenged, and assisted to achieve at an individually determined and appropriately high level. Advocate for mandatory intervention for every child not at grade level. Do everything possible to ensure that "the job is done right in the first place".
3. *Assessment.* Maintain policies assuring that all students receive the same nationally normed and standards-based assessments, grades 2 through 11, again recognizing that a small number of exceptional needs students must be separately and individually assessed using appropriate alternative means to determine achievement and progress.

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

Last Reviewed: Friday, August 26, 2011

Bylaws

For the California State Board of Education, *Amended July 9, 2003*.

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) Prior to the December regular meeting, letters of nomination for the offices of president and vice president for the forthcoming calendar year shall be submitted to the executive director. When a member submits a letter nominating another member for either office, it shall be understood that the member being nominated has been consulted and has agreed to serve if elected. Members interested in serving in either office may nominate themselves.

(c) At a time to be set aside for the purpose by the president at the December meeting, the executive director shall indicate the names placed in nomination in accordance with paragraph (b). The president shall then call for other nominations from the floor, including self-nominations, which shall then be in order and shall not require a second.

(d) From the names placed in nomination at the December meeting, along with any additional nominations from the floor subject to the conditions set forth in this paragraph, a president and a vice president shall be elected at the beginning of the January

regular meeting each year, with the newly elected officers assuming office immediately following the election. No member may nominate himself or herself for the office of president or vice president at the January meeting, and any nomination for such office must be seconded if made at the January meeting.

(e) 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.

(f) 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.

(g) 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.

(h) 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 ex officio voting member of the Screening Committee and any ad hoc committees, either substituting for an appointed member who is not present with no change in an affected committee's quorum requirement, or serving as an additional member with the affected committee's quorum requirement being increased if necessary, provided that in no case shall the service of the president as ex officio voting member increase the total voting membership of a committee to more than five;*
- *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;*
- *determine priorities for expenditure of Board travel funds;*
- *provide direction for the executive director;*
- *direct staff in preparing agendas for Board meetings in consultation with the other members as permitted by law;*
- *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;*
- *and 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.*

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 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: July, September, November, January, March, and May. 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 SESSIONS

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*
- *Reorganization of the Board (if necessary)*
- *Approval of Minutes*
- *Communications*
- *Announcements*
- *Report of the Superintendent*
- *Reports of Board Ad Hoc Committee and Liaisons (as necessary)*
- *Ordering of the Agenda*
- *Consent Calendar*
- *Full Board Items*
- *Reports of Board Standing Committees*
- *President's Report*
- *Member Reports*
- *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 COMMITTEES

Section 1.

A Screening Committee composed of no fewer than three and no more than five members shall be appointed by the president to screen 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.

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 the notice 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 an audiotape of the public hearing and a staff-prepared summary of comments received at the public hearing shall be made available to the Board members in advance of the meeting at which action on the pending matter is scheduled.

5 CCR 18460
EC 33031
GC 11125

COPIES OF STATEMENTS

Section 2.

A written copy of the testimony a person wishes to present at a public hearing is requested, but not required. The written copy may be given to appropriate staff in advance of or at the public hearing.

TIME LIMITS FOR THE PRESENTATION OF PUBLIC TESTIMONY

Section 3.

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 4.

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 BEFORE THE BOARD: 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 AN 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

STATEMENTS

Section 4.

All statements are requested to be submitted to the Board (or to staff if so directed by the Board) in advance of the presentation. Statements are requested to be in writing and should only be summarized in oral testimony.

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) Curriculum Development and Supplemental Materials 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 makes the following appointments:

(a) WestEd (Far West Laboratory for Educational Research and Development). Five individuals to serve three-year terms on the Board of Directors as follows:

- *one representing the California Department of Education;*
- *two representing school districts in California; and*
- *two representing county offices of education in California.*

JPA-FWL

(b) Trustees of the California State Summer School for the Arts. Two members, one of whom shall be a current member of the Board, for terms of three years.

EC 8952.5

(c) No Child Left Behind Liaison Team. Two members for terms not to exceed two years.

EC 52058.1

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 Curriculum Development and Supplemental Materials Commission;

(c) The National Association of State Boards of Education, if the Board participates in that organization.

(d) The Commission on Teacher Credentialing.

(e) The California Postsecondary Education Commission: one member to serve as the president's designee if the president so chooses, recognizing that no person employed full-time by any institution of public or private postsecondary education may serve on the commission.

EC 66901(d) and (h)

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 at the previous regular meeting.

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

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

California State Board of Education
1430 N Street, Suite #5111
Sacramento, CA 95814

Last Reviewed: Friday, December 23, 2011

CA **Dept of EDUCATION** mobile

SBE Agenda for May 2012

Agenda for the California State Board of Education (SBE) meeting on May 9 and 10, 2012.

State Board Members

Michael W. Kirst, President
Trish Williams, Vice President

Carl Cohn
Aida Molina
James C. Ramos
Patricia A. Rucker
Ilene W. Straus
Caitlin Snell, Student Member
Vacancy
Vacancy
Vacancy

Secretary & Executive Officer

Hon. Tom Torlakson

Executive Director

Susan K. Burr

Schedule of Meeting	Location
Wednesday, May 9, 2012 8:30 a.m. Pacific Time + STATE BOARD OF EDUCATION Public Session	California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

The Closed Session (1) may commence earlier than 12:00 noon; (2) may begin at or before 12:00 noon, be recessed, and then be reconvened later in the day; or (3) may commence later than 12:00 noon.

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 which follows will be considered and acted upon in closed session:

- *Alejo, et al. v. Jack O'Connell, State Board of Education, et al.,* San Francisco County Superior Court, Case No. CPF-09-509568 CA Ct. of Appeal, 2nd Dist., Case No. A130721
- *California School Boards Association, et al. v. California State Board of Education* and *Aspire Public Schools, Inc.,* Alameda County Superior Court, Case No. 07353566, CA Ct. of Appeal, 1st Dist., Case No. A122485, CA Supreme Court, Case No. S186129
- *California School Boards Association and its Education Legal Alliance, et al. v. The California State Board of Education, et al.*, Sacramento County Superior Court, Case No. 34-2008-00021188-CU-MC-GDS, CA Ct. of Appeal, 3rd Dist., Case No. No. C060957
- *Doe, Jane, and Jason Roe v. State of California*, Tom Torlakson, the California Department of Education, the State Board of Education, Los Angeles Superior Court, Case No. BC445151

Emma C., *et al. v. Delaine Eastin, et al.*, USDC (No.Dist.CA), Case No. C-96-4179

- *EMS-BP, LLC, Options for Youth Burbank, Inc., et al. v. California Department of Education, et al.*, Sacramento County Superior Court, Case No. 03CS01078 and 03CS01079 and related appeal
- *K.C. et al. v. Jack O'Connell, et al*., U.S. District Court, Northern District of California, Case No. C054077 MMC
- *Options for Youth-Victor Valley, et al. v. California Department of Education, et al.*, Los Angeles County Superior Court, Case No. BC347454
- *Options for Youth, Burbank, Inc., San Gabriel, Inc. Upland, Inc. and Victor Valley*, Notice of Appeal Before the Education Audit Appeals Panel, OAH Case No. 2006100966
- *Opportunity for Learning – PB, LLC; Opportunities Learning – C, LLC, and Opportunities for Learning WSH, LLC*, Notice of Appeal Before the Audit Appeals Panel
- *Porter, et al.,* v. *Manhattan Beach Unified School District, et al.*, United States District Court, Central District, Case No. CV-00-08402
- *Perris Union High School District v. California State Board of Education, California Department of Education, et al.*, Riverside County Superior Court, Case No. RIC520862
- *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
- *Today's Fresh Start, Inc. v. Los Angeles County Office of Education, et al.*, Los Angeles County Superior Court, Case No. BS112656, CA Ct. of Appeal, 2nd Dist., Case Nos. B212966

Conference with Legal Counsel – Anticipated Litigation: Under *Government Code* sections 11126(e)(1) and (e)(2)(B), 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)(C), the State Board of Education hereby provides public notice that it may meet in closed session to decide to initiate litigation and to consider and act in connection with litigation it has decided to initiate.

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

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

Schedule of Meeting	Location
Thursday, May 10, 2012 8:30 a.m. Pacific Time + STATE BOARD OF EDUCATION Closed Session – IF NECESSARY- will take place at approximately 12:00 noon. (The public may not attend.)	California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

Schedule of Meeting	Location
Thursday, May 10, 2012 8:30 a.m. Pacific Time + (Upon Adjournment of Closed Session, if held.) STATE BOARD OF EDUCATION Public Session	California Department of Education 1430 N Street, Room 1101 Sacramento, California 95814 916-319-0827

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

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED

FOR CONVENIENCE ONLY

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

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE

Persons wishing to address the State Board of Education on a subject to be considered at this meeting, including any matter that may be designated for public hearing, are asked, but not required, to notify the State Board of Education Office (see telephone/fax numbers below) by noon of the third working day before the scheduled meeting/hearing, stating the subject they wish to address, the organization they represent (if any), and the nature of their testimony. Time is set aside for individuals so desiring to speak on any topic not otherwise on the agenda (please see the detailed agenda for the Public Session). In all cases, the presiding officer reserves the right to impose time limits on presentations as may be necessary to ensure that the agenda is completed.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

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

CALIFORNIA STATE BOARD OF EDUCATION

FULL BOARD AGENDA
Public Session

May 9, 2012

Wednesday, May 9, 2012 – 8:30 a.m. Pacific Time +
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

Call to Order

Salute to the Flag

Closed Session

Communications

Announcements

REPORT OF THE STATE SUPERINTENDENT

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

AGENDA ITEMS

Item 1 (DOC)

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

Type of Action: Action, Information

- Item 1 Attachment 1 (PDF)

Item 2 (DOC)

Subject: Update on the Next Generation of Science Standards.

Type of Action: Action, Information

Item 3 (DOC)

Subject: *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve*, 2014 Revision: Approval of the Timeline and Curriculum Framework and Evaluation Criteria Committee Application Form. The future activities of Instructional Quality Commission will also be discussed.

Type of Action: Action, Information

Item 4 (DOC)

Subject: Update on the Activities of the California Department of Education Regarding the Development of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.

Type of Action: Action, Information

Item 5 (DOC)

Subject: Reauthorization of the Statewide Pupil Assessment System: Update for the State Superintendent of Public Instruction Recommendations.

Type of Action: Action, Information

Item 6 (DOC)

Subject: A Conversation about the Future of Accountability in California, including the Academic Performance Index and the School Accountability Report Card.

Type of Action: Action, Information

- Item 6 Attachment 5 (PDF)

*** PUBLIC HEARINGS ***

Public Hearings on the following agenda items will commence no earlier than 1:00 p.m. on Wednesday, May 9, 2012. The Public Hearings will be held as close to 1:00 p.m. or upon adjournment of Closed Session if held, as the business of the State Board permits.

Item 7 (DOC)

Subject: Long Valley Charter School: Hold a Public Hearing to Consider a Material Revision of the Charter.

Type of Action: Action, Information, Hearing

- Item 7 Attachment 3 (PDF)
- Item 7 Attachment 4 (PDF)
- Item 7 Attachment 5 (PDF; 5MB)
- Item 7 Attachment 6 (PDF)

Item 8 (DOC)

Subject: Long Valley Charter School: Consider Issuing a Notice of Intent to Revoke Pursuant to California *Education Code* Section 47607(e).

Type of Action: Action, Information, Hearing

- Item 8 Attachment 2 (PDF; 3MB)
- Item 8 Attachment 4 (PDF)
- Item 8 Attachment 6 (PDF)
- Item 8 Attachment 8 (PDF; 2MB)
- Item 8 Attachment 9 (PDF)

Item 9 (DOC)

Subject: Doris Topsy-Elvord Academy: Consider Issuing a Notice of Violation Pursuant to California *Education Code* Section 47607(d).

Type of Action: Action, Information, Hearing

- Item 9 Attachment 2 (DOC)
- Item 9 Attachment 3 (PDF; 1MB)
- Item 9 Attachment 4 (DOC)
- Item 9 Attachment 5 (PDF; 1MB)

Item 10 (DOC)

Subject: Lifeline Education Charter School: Hold a Public Hearing to Consider a Petition to Renew Charter Currently Authorized by the State Board of Education.

Type of Action: Action, Information, Hearing

- Item 10 Attachment 1 (PDF)
- Item 10 Attachment 3 (PDF)
- Item 10 Attachment 4 (PDF; 2MB)
- Item 10 Attachment 5 (PDF; 10MB)

Item 11 (DOC)

Subject: Ackerman Charter School District: Hold a Public Hearing to Consider a Petition to Renew Districtwide Charter.

Type of Action: Action, Information, Hearing

- Item 11 Attachment 2 (PDF)
- Item 11 Attachment 3 (DOC)
- Item 11 Attachment 4 (PDF)

*** END OF PUBLIC HEARINGS ***

Item 12 (DOC)

Subject: Standardized Testing and Reporting Program: Approval of Standards-based Tests in Spanish Proposed Performance Standards Setting for Reading Language Arts in Grades Eight, Nine, Ten, Eleven, and Math, Algebra I and Geometry, and to Conduct the Regional Public Hearings.

Type of Action: Action, Information

*** WAIVERS ***

WAIVERS / ACTION AND CONSENT ITEMS

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

CHARTER SCHOOL PROGRAM (Attendance Accounting for Multi-Track)

Item W-1 General (DOC)

Subject: Request by New Jerusalem Elementary School District for a renewal for Delta Charter School to waive *California Code*

of Regulations, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.

Waiver Number: 145-2-2012

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

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OPEN ENROLLMENT (Removal From the List of LEAs)

Item W-2 General (DOC)

Subject: Request by ten local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove their schools from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.

Waiver Numbers:

- Capistrano Unified School District 15-1-2012
- Caruthers Unified School District 37-12-2011
- Conejo Valley Unified School District 95-1-2012
- Conejo Valley Unified School District 96-1-2012
- Evergreen Elementary School District 3-12-2011
- Fortuna Union Elementary School District 32-11-2011
- Newhall School District 85-12-2011
- Pacific Union Elementary School District 24-1-2012
- Rohnerville Elementary School District 1-1-2012
- Red Bluff Union Elementary School District 33-1-2012
- San Antonio Union Elementary School District 48-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

INDEPENDENT STUDY PROGRAM (Pupil Teacher Ratio)

Item W-5 General (DOC)

Subject: Request by Orange County Department of Education for a renewal of the waiver of California *Education Code* Section 51745.6(a) the requirement that the independent study pupil-teacher ratio shall not exceed the equivalent ratio for all other programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The Orange County Department of Education requests continuing an independent study ratio of 35:1.

Waiver Number: 131-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

PHYSICAL FITNESS TESTING (Physical Fitness Testing)

Item W-6 General (DOC)

Subject: Request by Fremont Unified School District to waive portions of the California *Education Code* Section 60800(a), relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31 for grade nine students.

Waiver Number: 67-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Algebra I Requirement for Graduation)

Item W-7 Specific (DOC)

Subject: Request by four local educational agencies to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2011−12 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for 14 special education students based on *Education Code* Section 56101, the special education waiver

authority.

Waiver Numbers:

- Conejo Valley Unified School District 146-2-2012
- Lindsay Unified School District 177-2-2012
- Natomas Unified School District 141-2-2012
- San Dieguito Union High School District 150-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-7 Attachment 1 (DOC)

SPECIAL EDUCATION PROGRAM (Resource Teacher Caseload)

Item W-8 Specific (DOC)

Subject: Request by Alpine Union Elementary School District, 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), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Kristen Kelly Blankenship is assigned to Alpine Elementary Shcool.

Waiver Number: 31-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Extended School Year (Summer School))

Item W-9 General (DOC)

Subject: Request by 12 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:

- Butte County Office of Education 99-1-2012
- Calexico Unified School District 130-2-2012
- Cascade Union Elementary School District 34-11-2011
- El Centro Elementary School District 118-2-2012
- Imperial County Office of Education 127-2-2012
- Imperial Unified School District 37-1-2012
- Madera County Office of Education 27-12-2011
- Meadows Union Elementary School District 97-1-2012
- South Bay Union Elementary School District 81-2-2012
- Tehama County Office of Education 23-1-2012
- Woodland Joint Unified School District 82-12-2011
- Yolo County Office of Education 71-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-9 Attachment 1 (DOC)
- Item W-9 Attachment 2 (DOC)
- Item W-9 Attachment 3 (DOC)
- Item W-9 Attachment 4 (DOC)
- Item W-9 Attachment 5 (DOC)
- Item W-9 Attachment 6 (DOC)
- Item W-9 Attachment 7 (DOC)
- Item W-9 Attachment 8 (DOC)
- Item W-9 Attachment 9 (DOC)
- Item W-9 Attachment 10 (DOC)
- Item W-9 Attachment 11 (DOC)
- Item W-9 Attachment 12 (DOC)

- Item W-9 Attachment 13 (DOC)

STATE TESTING APPORTIONMENT REPORT (CAHSEE)

Item W-10 General (DOC)

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

Waiver Numbers:

- Coalinga-Huron Joint Unified School District 40-1-2012
- Culver City Unified School District 43-1-2012
- Fairfield-Suisun Unified School District 80-2-2012
- Live Oak Elementary School District 154-2-2012
- Santa Cruz City Elementary School District 69-1-2012
- Santa Cruz City High School District 66-1-2012
- Sutter County Office of Education 116-2-2012

(Recommended for APPROVAL)

SUFFICIENCY OF INSTRUCTIONAL MATERIALS - *EC* 60119 (Meeting Held within School Hours)

Item W-11 Specific (DOC)

Subject: Request by Mono County Office of Education under the authority of California *Education Code* Section 41344.3 to waive *Education Code* Section 60119 and the resulting audit penalty of $26,106 regarding the annual public hearing and board resolution on the availability of textbooks and instructional materials for fiscal year 2010–11 and 2011–12. Mono County Office of Education's public hearings were not held at a time that encouraged the attendance of teachers, parents, and guardians of pupils. The hearings were held immediately following school hours.

Waiver Number: 185-2-2012

(Recommended for APPROVAL)

INSTRUCTIONAL TIME REQUIREMENT AUDIT PENALTY (Charter - Minimum Instructional Time)

Item W-12 Specific (DOC)

Subject: Request by Albert Einstein Academy for Letter, Arts, and Sciences under the authority of California *Education Code* Section 47612.6(a) to waive *Education Code* Section 47612.5 (c), the audit penalty for offering less instructional time in the 2010-11 fiscal year for students in grade nine (shortfall of 7,824 minutes).

Waiver Number: 155-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

SALE OR LEASE OF SURPLUS PROPERTY (Lease of Surplus Property)

Item W-13 General (DOC)

Subject: Request by two districts, under the authority of California *Education Code* Section 33050, to waive all portions of California *Education Code* sections 17473 and 17474 and portions of 17466, 17472, and 17475, and one of the two districts to waive portions of 17455 relating to the sale and lease of surplus property. Approval of these waivers will allow the districts to lease or sell property using a "request for proposal process", thereby maximizing the proceeds from the sale or lease of the properties.

Waiver Numbers:

- Orange Unified School District 91-2-2012
- Alhambra Unified School District 169-2-2012

- Alhambra Unified School District 170-2-2012
- Alhambra Unified School District 171-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-13 Attachment 2 (DOC)
- Item W-13 Attachment 3 (DOC)
- Item W-13 Attachment 4 (DOC)
- Item W-13 Attachment 5 (DOC)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-14 General (DOC)

Subject: Request by Richland Elementary School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.

Waiver Number: 3-1-2012

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-15 General (DOC)

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

Waiver Number: 19-1-2012

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-16 General (DOC)

Subject: Request by Gateway Unified School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas and to reduce the number of governing board members from seven to five.

Waiver Number: 123-1-2012

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-17 General (DOC)

Subject: Request by Sierra Sands Unified School District to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to eliminate trustee areas and to reduce the number of governing board members from seven to five.

Waiver Number: 157-2-2012

(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-18 General (DOC)

Subject: Request by Madera County Office of Education to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas for the following seven districts.

- Alview-Dairyland Union Elementary
- Bass Lake Joint Union Elementary
- Chawanakee Unified
- Chowchilla Elementary
- Chowchilla Union High
- Golden Valley Unified
- Yosemite Unified

Waiver Number: 172-2-2012

(Recommended for APPROVAL)

- Item W-18 Attachment 1 (XLS)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)

Item W-19 General (DOC)

Subject: Request by 10 districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.

Waiver Numbers:

- Bakersfield City 143-1-2012
- Escalon Unified 21-1-2012
- Escondido Union High 85-2-2012
- Esparto Unified 32-1-2012
- Greenfield Union Elementary 6-1-2012
- Gustine Unified 2-3-2012
- Kern Union High 2-1-2012
- Lake Elsinore Unified 4-1-2012
- Panama-Buena Vista Union Elem. 144-1-2012
- Winters Joint Unified 26-1-2012

(Recommended for APPROVAL)

- Item W-19 Attachment 1 (XLS)
- Item W-19 Attachment 2 (DOC)
- Item W-19 Attachment 3 (DOC)
- Item W-19 Attachment 4 (DOC)
- Item W-19 Attachment 5 (DOC)
- Item W-19 Attachment 6 (DOC)
- Item W-19 Attachment 7 (DOC)
- Item W-19 Attachment 8 (DOC)
- Item W-19 Attachment 9 (DOC)
- Item W-19 Attachment 10 (DOC)
- Item W-19 Attachment 11 (DOC)
- Item W-19 Attachment 12 (DOC)

SCHOOLSITE COUNCIL STATUTE (Number and Composition of Members)

Item W-20 General (DOC)

Subject: Request by seven 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:

- Butteville Union Elementary 98-2-2012
- Garfield Elementary 62-1-2012
- Marysville Joint Unified 30-1-2012

Mt. Shasta Union Elementary 16-1-2012
- Mt. Shasta Union Elementary 17-1-2012
- San Diego County Office of Education 70-2-2012
- Shasta County Office of Education 5-1-2012
- Temple City Unified 18-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-20 Attachment 1 (DOC)
- Item W-20 Attachment 2 (DOC)
- Item W-20 Attachment 3 (DOC)
- Item W-20 Attachment 4 (DOC)
- Item W-20 Attachment 5 (DOC)
- Item W-20 Attachment 6 (DOC)
- Item W-20 Attachment 7 (DOC)
- Item W-20 Attachment 8 (DOC)
- Item W-20 Attachment 9 (DOC)

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

Item W-21 General (DOC)

Subject: Request by the Imperial County Office of Education to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Krystle Padilla, to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.

Waiver Number: 106-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

STATE MEAL MANDATE (Summer School Session)

Item W-22 Specific (DOC)

Subject: Request by seven 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 34-1-2012
- Liberty Elementary School District 79-2-2012
- McCabe Union Elementary School District 101-1-2012
- Midway Elementary School District 109-2-2012
- Sierra-Plumas Joint Unified School District 89-2-2012
- Solvang Elementary School District 100-1-2012
- Wiseburn Elementary School District 39-1-2012

(Recommended for APPROVAL)

STATE MEAL MANDATE (Summer School Session)

Item W-23 Specific - WITHDRAWN BY THE DISTRICT

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

Waiver Number: 8-3-2012

(Recommended for DENIAL)

STATE MEAL MANDATE (Summer School Session)

Item W-24 Specific (DOC)

Subject: Request by Kingsburg Joint Union High 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 for Kingsburg High School.

Waiver Number: 24-3-2012

(Recommended for DENIAL)

OTHER WAIVERS (Other Waivers)

Item W-26 General (DOC)

Subject: Request by Mt. Diablo Unified School District to waive California *Education Code* Section 47660 regarding the impact of Clayton Valley Charter High School Funding.

Waiver Number: 136-2-2012

(Recommended for DENIAL)

- Item W-26 Attachment 1 (DOC)

PRINCIPAL EVALUATION AND ASSESSMENT (Extend Timeline of Evaluation)

Item W-27 General (DOC)

Subject: Request by two districts to waive California *Education Code* Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees so that Standardized Testing and Reporting test results for the year may be included in the evaluation criteria for those management employees.

Waiver Numbers:

- Lincoln Unified School District 94-1-2012
- Pomona Unified School District 25-1-2012

(Recommended for DENIAL)

- Item W-27 Attachment 1 (XLS)
- Item W-27 Attachment 2 (DOC)
- Item W-27 Attachment 3 (DOC)

STATE MEAL MANDATE (Summer School Session)

Item W-31 Specific (DOC)

Subject: Request by three 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:

- Modesto City School District 36-3-2012
- Santa Paula High School District 1-4-2012
- Snowline Joint Unified School District 30-3-2012

(Recommended for APPROVAL)

- Item W-31 Attachment 2 (DOC)
- Item W-31 Attachment 3 (DOC)
- Item W-31 Attachment 4 (DOC)

*** END OF WAIVERS ***

*** ADJOURNMENT OF DAY'S SESSION ***

Public Session

May 10, 2012

Thursday, May 10, 2012 – 8:30 a.m. Pacific Time +
California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

Call to Order

Salute to the Flag

Closed Session

Communications

Announcements

REPORT OF THE STATE SUPERINTENDENT

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

AGENDA ITEMS

Item 13 (DOC)

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

Type of Action: Action, Information

- Item 13 Attachment 1 (DOC)
- Item 13 Attachment 3 (DOC)

Item 14 (DOC)

Subject: Elementary and Secondary Education Act: Discussion and Possible Recommendation to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.

Type of Action: Action, Information

Item 15 (DOC)

Subject: California High School Exit Examination: Adoption of the Streamlined Waiver Policy for Waiving the California High School Exit Examination Requirement for Eligible Students with Disabilities.

Type of Action: Action, Information

Item 16 (DOC)

Subject: Elementary and Secondary Education Act Update: School Improvement Grant: Approval of Applications by Cohort 1 Local Educational Agencies and Schools Receiving Sub-Grants Under Section 1003(g) for a Waiver of the Timeline to Develop and Implement Teacher and Principal Evaluation Systems That Meet Certain Requirements During the First Year a School is Implementing the Transformation Model.

Type of Action: Action, Information

- Item 6 Attachment 1 (PDF)

*** PUBLIC HEARING ***

A Public Hearing on the following agenda item will commence no earlier than 10:00 a.m. on Thursday, May 10, 2012. The Public Hearing will be held as close to 10:00 a.m. or upon adjournment of Closed Session if held, as the business of the State Board permits.

Item 17 (DOC)

Subject: Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Hold a Public Hearing to Consider the Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change, Which Was Denied by the Los Angeles Unified School District Board of Education and the Los Angeles County Office of Education Board of Education.

Type of Action: Action, Information, Hearing

- Item 17 Attachment 2 (PDF)
- Item 17 Attachment 3 (PDF; 4MB)
- Item 17 Attachment 4 (PDF; 2MB)

*** END OF PUBLIC HEARING ***

Item 18 (DOC)

Subject: Reconsideration 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 California Code of Regulations, Title 5, Section 11963.6(g).

Type of Action: Action, Information

- Item 18 Attachment 3 (PDF)
- Item 18 Attachment 4 (PDF)

*** PUBLIC HEARINGS***

Public Hearings on the following agenda items will commence no earlier than 1:00 p.m. on Thursday, May 10, 2012. The Public Hearings will be held as close to 1:00 p.m. or upon adjournment of Closed Session if held, as the business of the State Board permits.

Item 19 (DOC)

Subject: Long Valley Charter School: Hold a Public Hearing and Consider Revocation Pursuant to California *Education Code* Section 47607(e).

Type of Action: Action, Information, Hearing

Item 20 (DOC)

Subject: Environmental Effect of the Proposed Unification of the Santa Paula Union High School District and the Santa Paula Elementary School District in Ventura County.

Type of Action: Action, Information, Hearing

Item 21 (DOC; 5MB)

Subject: Proposed Unification of the Santa Paula Union High School District and the Santa Paula Elementary School District in Ventura County.

Type of Action: Action, Information, Hearing

*** END OF PUBLIC HEARINGS ***

*** WAIVERS ***

WAIVERS / ACTION AND CONSENT ITEMS

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

OPEN ENROLLMENT (Removal From the List of LEAs)

Item W-3 General (DOC)

Subject: Request by four local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701 to remove their schools from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.

Waiver Numbers:

- Fowler Unified School District 2-12-2011
- Grass Valley Elementary School District 41-12-2011
- Savanna Elementary School District 10-11-2011
- Yucaipa-Calimesa Joint Unified School District 15-11-2011
- Yucaipa-Calimesa Joint Unified School District 28-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

OPEN ENROLLMENT (Removal From the List of LEAs)

Item W-4 General (DOC)

Subject: Request by Linden Unified School District to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove Glenwood Elementary School from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.

Waiver Number: Linden Unified School District 22-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

OPEN ENROLLMENT (Removal From the List of LEAs)

Item W-25 General (DOC)

Subject: Request by Fremont Unified School District to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove Robertson High School from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.

Waiver Number: Fremont Unified School District 148-2-2012

(Recommended for DENIAL)

CLASS SIZE PENALTIES (Over limit on Kindergarten - Grade 3)

Item W-28 Specific (DOC)

Subject: Request by 10 districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers:

- Barstow Unified School District 29-1-2012
- Central Elementary School District 120-2-2012
- Etiwanda Elementary School District 84-2-2012
- Fullerton Elementary School District 86-2-2012
- La Mesa-Spring Valley School District 108-2-2012
- Orange Unified School District 92-2-2012
- Romoland Elementary School District 129-2-2012
- Upland Unified School District 167-2-2012
- Victor Elementary School District 133-2-2012
- Willows Unified School District 45-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-28 Attachment 1 (DOC)
- Item W-28 Attachment 2 (DOC)
- Item W-28 Attachment 3 (DOC)
- Item W-28 Attachment 4 (DOC)
- Item W-28 Attachment 5 (DOC)
- Item W-28 Attachment 6 (DOC)
- Item W-28 Attachment 7 (DOC)
- Item W-28 Attachment 8 (DOC)
- Item W-28 Attachment 9 (DOC)
- Item W-28 Attachment 10 (DOC)
- Item W-28 Attachment 11 (DOC)

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

Item W-29 General (DOC)

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

Waiver Numbers:

- Berryessa Union Elementary School District 107-2-2012
- Central Elementary School District 121-2-2012
- Fullerton Elementary School District 87-2-2012
- Hemet Unified School District 65-1-2012
- Orange Unified School District 93-2-2012
- Romoland Elementary School District 126-2-2012
- Upland Unified School District 151-2-2012
- Victor Elementary School District 134-2-2012
- Willows Unified School District 46-1-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-29 Attachment 1 (DOC)
- Item W-29 Attachment 2 (DOC)
- Item W-29 Attachment 3 (DOC)
- Item W-29 Attachment 4 (DOC)
- Item W-29 Attachment 5 (DOC)
- Item W-29 Attachment 6 (DOC)
- Item W-29 Attachment 7 (DOC)
- Item W-29 Attachment 8 (DOC)
- Item W-29 Attachment 9 (DOC)
- Item W-29 Attachment 10 (DOC)

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

Item W-30 General (DOC)

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

Waiver Numbers:

- Banning Unified School District 110-2-2012
- Eureka Union School District 137-2-2012
- Lodi Unified School District 122-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-30 Attachment 1 (XLS)
- Item W-30 Attachment 2 (DOC)
- Item W-30 Attachment 3 (DOC)
- Item W-30 Attachment 4 (DOC)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-32 General (DOC)

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

Waiver Numbers:

- Capistrano Unified 38-1-2012
- Lynwood Unified 179-2-2012
- Lynwood Unified 181-2-2012
- Oakland Unified 50-2-2012
- Oakland Unified 52-2-2012
- Oakland Unified 55-2-2012
- Oakland Unified 56-2-2012
- Oakland Unified 58-2-2012
- Oakland Unified 60-2-2012
- Pajaro Valley Unified 74-2-2012
- Pajaro Valley Unified 75-2-2012
- Pajaro Valley Unified 78-2-2012
- Romoland Elementary 128-2-2012
- Sacramento City Unified 102-1-2012
- Sacramento City Unified 103-1-2012
- Sacramento City Unified 104-2-2012
- Sacramento City Unified 105-2-2012
- San Bernardino City Unified 112-2-2012
- San Francisco Unified 159-2-2012
- San Francisco Unified 160-2-2012
- San Francisco Unified 162-2-2012
- San Francisco Unified 163-2-2012
- San Francisco Unified 165-2-2012
- Santa Ana Unified 173-2-2012
- Santa Ana Unified 174-2-2012
- Santa Ana Unified 175-2-2012
- Santa Ana Unified 176-2-2012
- Santa Paula Elementary 183-2-2012
- West Contra Costa Unified 125-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-32 Attachment 1 (DOC)
- Item W-32 Attachment 2 (DOC)
- Item W-32 Attachment 3 (DOC)

- Item W-32 Attachment 4 (DOC)
- Item W-32 Attachment 5 (DOC)
- Item W-32 Attachment 6 (DOC)
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- Item W-32 Attachment 9 (DOC)
- Item W-32 Attachment 10 (DOC)
- Item W-32 Attachment 11 (DOC)
- Item W-32 Attachment 12 (DOC)
- Item W-32 Attachment 13 (DOC)
- Item W-32 Attachment 14 (DOC)
- Item W-32 Attachment 15 (DOC)
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- Item W-32 Attachment 18 (DOC)
- Item W-32 Attachment 19 (DOC)
- Item W-32 Attachment 20 (DOC)
- Item W-32 Attachment 21 (DOC)
- Item W-32 Attachment 22 (DOC)
- Item W-32 Attachment 23 (DOC)
- Item W-32 Attachment 24 (DOC)
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- Item W-32 Attachment 26 (DOC)
- Item W-32 Attachment 27 (DOC)
- Item W-32 Attachment 28 (DOC)
- Item W-32 Attachment 29 (DOC)
- Item W-32 Attachment 30 (DOC)
- Item W-32 Attachment 31 (DOC)
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- Item W-32 Attachment 35 (DOC)
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- Item W-32 Attachment 49 (DOC)
- Item W-32 Attachment 50 (DOC)
- Item W-32 Attachment 51 (DOC)
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- Item W-32 Attachment 54 (DOC)
- Item W-32 Attachment 55 (DOC)
- Item W-32 Attachment 56 (DOC)
- Item W-32 Attachment 57 (DOC)
- Item W-32 Attachment 58 (DOC)

QUALITY EDUCATION INVESTMENT ACT (Teacher Experience Index)

Item W-33 General (DOC)

Subject: Request by five local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.

Waiver Numbers:

- Lucerne Valley Unified 139-2-2012
- Madera Unified 68-1-2012
- Oakland Unified 54-2-2012
- Oakland Unified 57-2-2012
- San Francisco Unified 164-2-2012
- West Contra Costa Unified 124-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-33 Attachment 1 (DOC)
- Item W-33 Attachment 2 (DOC)
- Item W-33 Attachment 3 (DOC)
- Item W-33 Attachment 4 (DOC)
- Item W-33 Attachment 5 (DOC)
- Item W-33 Attachment 6 (DOC)
- Item W-33 Attachment 7 (DOC)
- Item W-33 Attachment 8 (DOC)
- Item W-33 Attachment 9 (DOC)
- Item W-33 Attachment 10 (DOC)
- Item W-33 Attachment 11 (DOC)
- Item W-33 Attachment 12 (DOC)

QUALITY EDUCATION INVESTMENT ACT (Williams Settlement)

Item W-34 General (DOC)

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

Waiver Numbers:

- Lynwood Unified 178-2-2012
- Lynwood Unified 180-2-2012
- Lynwood Unified 182-2-2012
- Sacramento City Unified 11-3-2012
- San Bernardino City Unified 113-2-2012
- San Bernardino City Unified 114-2-2012
- San Bernardino City Unified 115-2-2012

(Recommended for APPROVAL WITH CONDITIONS)

- Item W-34 Attachment 1 (DOC)
- Item W-34 Attachment 2 (DOC)
- Item W-34 Attachment 3 (DOC)
- Item W-34 Attachment 4 (DOC)
- Item W-34 Attachment 5 (DOC)
- Item W-34 Attachment 6 (DOC)
- Item W-34 Attachment 7 (DOC)
- Item W-34 Attachment 8 (DOC)
- Item W-34 Attachment 9 (DOC)
- Item W-34 Attachment 10 (DOC)
- Item W-34 Attachment 11 (DOC)
- Item W-34 Attachment 12 (DOC)
- Item W-34 Attachment 13 (DOC)
- Item W-34 Attachment 14 (DOC)

QUALITY EDUCATION INVESTMENT ACT (API Growth Target)

Item W-35 General (DOC)

Subject: Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a)(5), regarding the Academic Performance Index under the Quality Education Investment Act.

Waiver Numbers:

- Antioch Unified 156-2-2012
- Pajaro Valley Unified 71-2-2012
- Pajaro Valley Unified 72-2-2012
- San Francisco Unified 158-2-2012
- San Francisco Unified 161-2-2012
- San Francisco Unified 166-2-2012

(Recommended for DENIAL)

- Item W-35 Attachment 1 (DOC)
- Item W-35 Attachment 2 (DOC)
- Item W-35 Attachment 3 (DOC)
- Item W-35 Attachment 4 (DOC)
- Item W-35 Attachment 5 (DOC)
- Item W-35 Attachment 6 (DOC)
- Item W-35 Attachment 7 (DOC)
- Item W-35 Attachment 8 (DOC)
- Item W-35 Attachment 9 (DOC)
- Item W-35 Attachment 10 (DOC)
- Item W-35 Attachment 11 (DOC)
- Item W-35 Attachment 12 (DOC)

QUALITY EDUCATION INVESTMENT ACT (API Growth Target)

Item W-36 (DOC)

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

Waiver Number: 55-12-2011

(Recommended for DENIAL)

QUALITY EDUCATION INVESTMENT ACT (Money to follow students)

Item W-37 (DOC)

Subject: Request by Farmersville Unified School District to waive California *Education Code* Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from Farmersville Junior High School to follow its grade six class that will be transferring to Freedom Elementary School.

Waiver Number: 149-2-2012

(Recommended for DENIAL)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)

Item W-38 (DOC)

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

Waiver Numbers:

- Oakland Unified 59-2-2012
- Pajaro Valley Unified 73-2-2012
- Pajaro Valley Unified 76-2-2012
- Pajaro Valley Unified 77-2-2012
- Rialto Unified 135-2-2012
- Rialto Unified 142-2-2012

(Recommended for DENIAL)

*** END OF WAIVERS ***

Item 22 (DOC)

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

Type of Action: Information

Item 23 (DOC)

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

Type of Action: Action, Information

- Item 23 Attachment 1 (DOC)
- Item 23 Attachment 2 (PDF; 2MB)

Item 24 (DOC)

Subject: Approval of 2011–12 Consolidated Applications.

Type of Action: Action, Information

Item 25 (DOC)

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

Type of Action: Action, Information

Item 26 (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.

Type of Action: Action, Information

Item 27 (DOC)

Subject: Consideration of Requests for Determination of Funding for Prior Years as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and California Code of Regulations Title 5 Section 11963.4(c).

Type of Action: Action, Information

- Item 27 Attachment 3 (PDF)

Item 28 (DOC)

Subject: Assignment of Numbers for Charter School Petitions.

Type of Action: Action, Information

Item 29 (DOC)

Subject: State Instructional Materials Fund—Approve Tentative Encumbrances and Allocations for Fiscal Year 2012–13.

Type of Action: Action, Information

*** ADJOURNMENT OF MEETING ***

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

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

Last Reviewed: Saturday, April 28, 2012

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

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

SUMMARY OF THE ISSUE(S)

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

RECOMMENDATION

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

BRIEF HISTORY OF KEY ISSUES

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION (Cont.)

January 2012: The CDE presented to the SBE the fourth in a series of updates on the implementation of the CCSS.

November 2011: The CDE presented to the SBE the third in a series of updates on the implementation of the CCSS.

September 2011: The CDE presented to the SBE the second in a series of updates on the implementation of the CCSS.

July 2011: The CDE presented to the SBE the first in a series of updates on the implementation of the CCSS.

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

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

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

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

FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

Nonetheless, the implementation of new CCSS-aligned assessments, professional learning supports, and instructional materials will require a shifting and infusion of new resources.

ATTACHMENT(S)

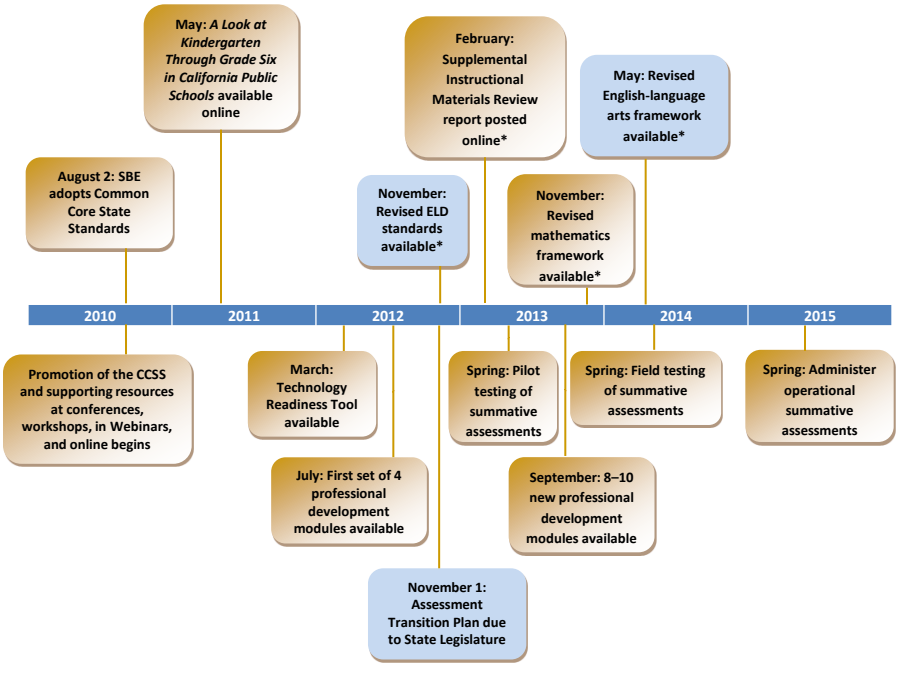
Attachment 1: Common Core State Standards Systems Implementation Activities: February-April 2012 PowerPoint Presentation (8 pages)

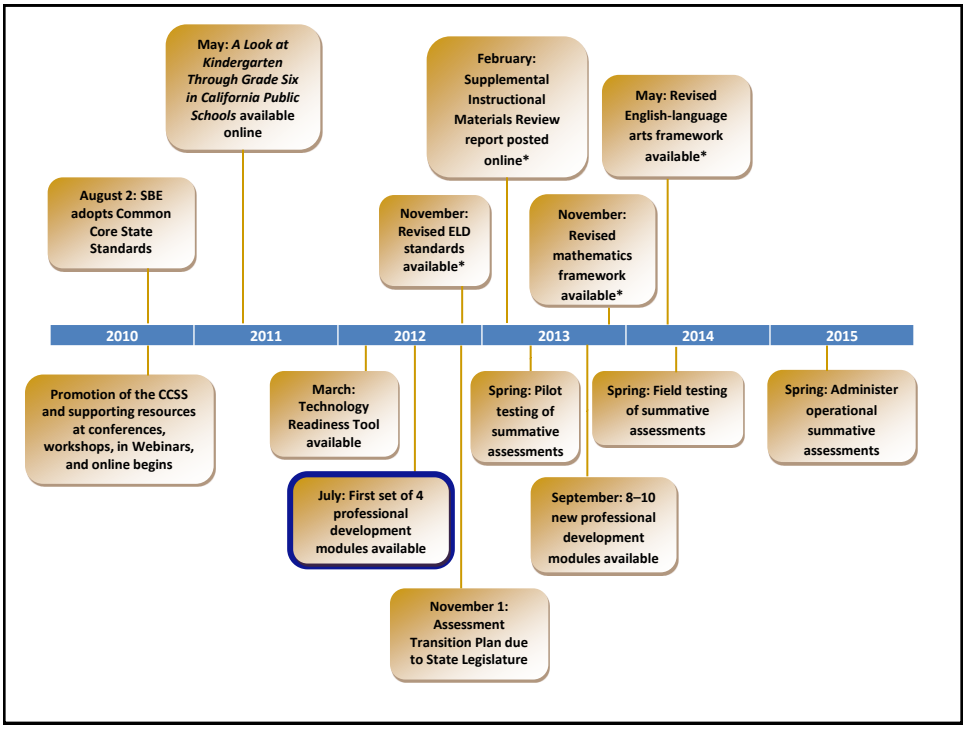
Common Core State Standards Systems

Implementation Activities
February-April 2012

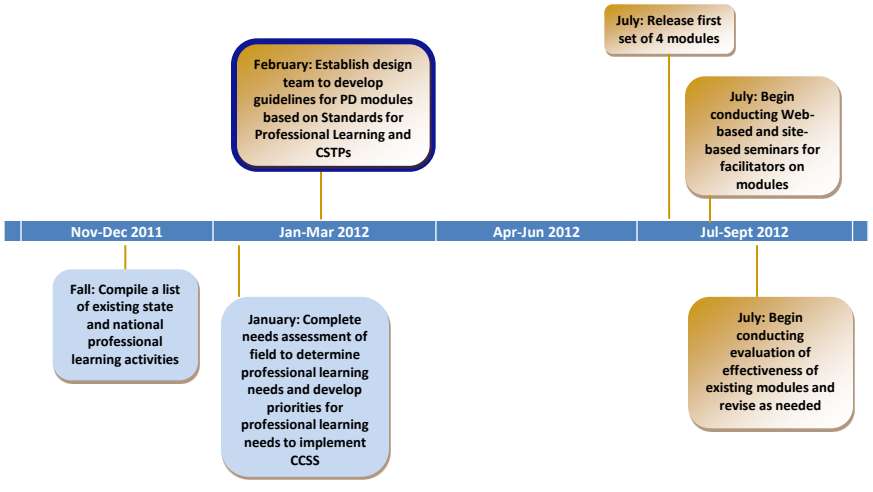
CALIFORNIA DEPARTMENT OF EDUCATION
Tom Torlakson, State Superintendent of Public Instruction

COMMON CORE STATE STANDARDS CALIFORNIA





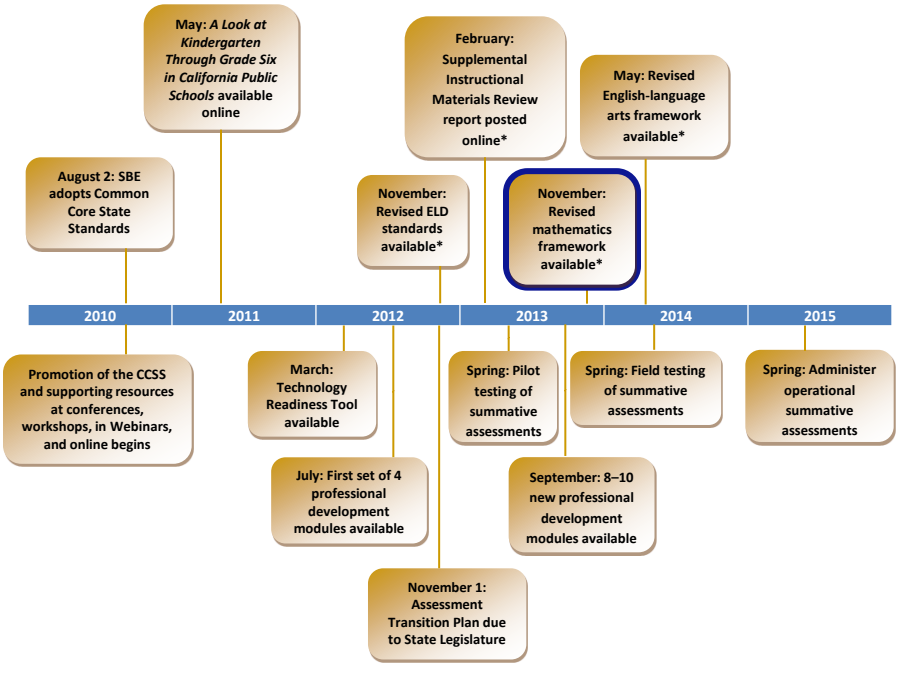
Professional Learning Modules Timeline



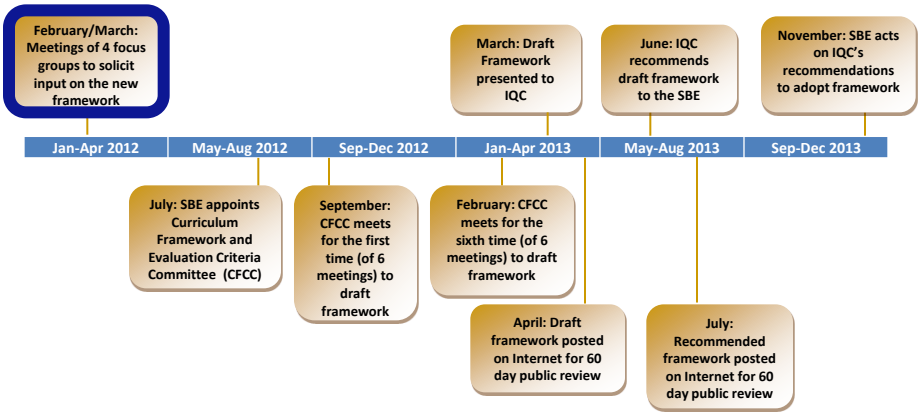
TOM TORLAKSON
State Superintendent
of Public Instruction

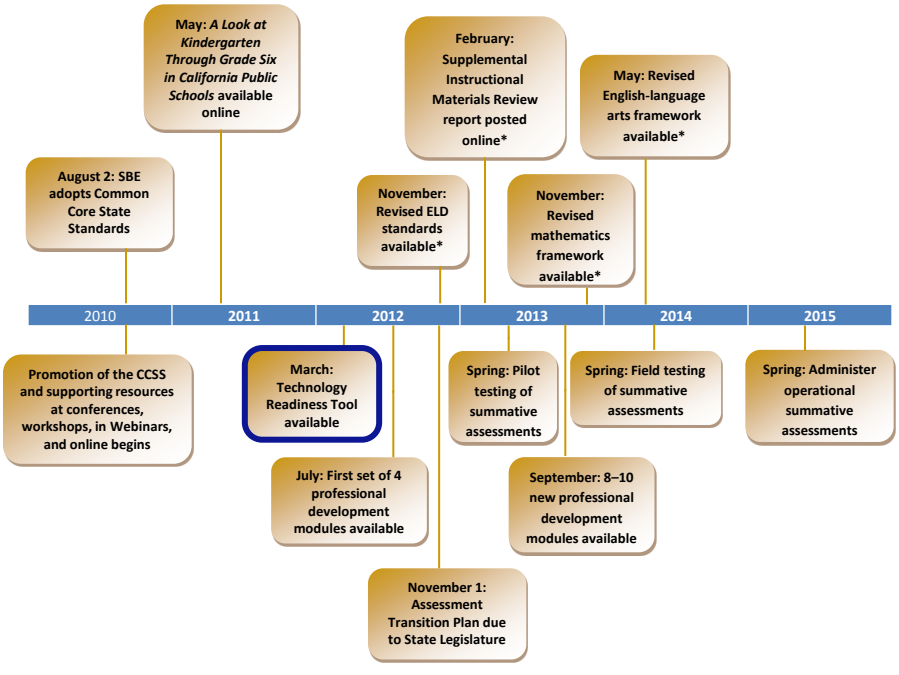
Design Team Recommendations

1. Overview of the Professional Learning Modules, CCSS for math and ELA
2. Math: K-12 Standards for Mathematical Practice
3. Math: K-12 Learning Progression
4. ELA: Non-fiction Reading
5. ELA: Non-fiction Writing



Math Curriculum Framework Timeline

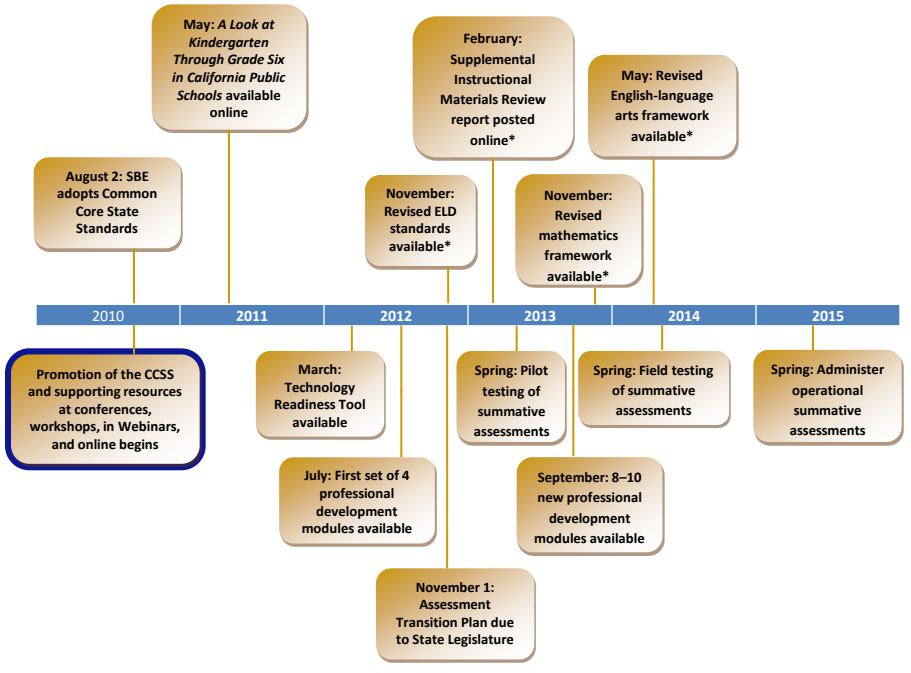




TOM TORLAKSON
State Superintendent
of Public Instruction

Technology Readiness Data Collection Rollout

- March 20–April 9
  - Pilot Districts Pilot Data Collection Tool
  - 35+ districts in each of the 11 California service regions
- April 16–June 14
  - Statewide Local Educational Agencies Data Collection



TOM TORLAKSON
State Superintendent
of Public Instruction

Select Stakeholder Meetings: February

Date	Meeting
February 22-25	Curriculum and Instruction Steering Committee Asilomar
February 24	California League of Schools
February 29	Commission on Teacher Credentialing – Teacher Preparation Advisory Panel

TOM TORLAKSON
State Superintendent
of Public Instruction

Select Stakeholder Meetings: March

Date	Meeting
March 1	California Charter Schools Association
March 2	California Council for Social Studies
March 7, 8	California Association of Bilingual Educators
March 15	Curriculum and Instruction Steering Committee, Bilingual Coordinators Network

TOM TORLAKSON
State Superintendent
of Public Instruction

Select Stakeholder Meetings: March (continued)

Date	Meeting
March 16	Regional Assessment Network, Education Coalition
March 17	Migrant Parent Conference
March 22	LACOE Assessment Workshop
March 23	Loyola Marymount University
March 27	Fourth District PTA
March 30	Small School Districts Association

TOM TORLAKSON
State Superintendent
of Public Instruction

Select Stakeholder Meetings: April

Date	Meeting
April 13	California Federation of Teachers
April 18–20	State Collaborative on Assessment and Student Standards – Implementing the Common Core Standards

TOM TORLAKSON
State Superintendent
of Public Instruction

commoncoreteam@cde.ca.gov

California Department of Education
Executive Office
SBE-003 (REV. 08/2011)
ilsb-plsd-may12item01

ITEM #02

CALIFORNIA STATE BOARD OF EDUCATION

May 2012 AGENDA

SUBJECT	
Update on the Next Generation of Science Standards.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

On September 20, 2011, Achieve, Inc. officially announced that California is one of the Lead State Partners who are participating in the development of the Next Generation of Science Standards (NGSS). The California Department of Education (CDE) facilitated the first meeting of the 70-member California NGSS Review Team on November 30, 2011. The team also had the opportunity to review the NGSS again in February 2012. The entire NGSS review, development**,** adoption, and implementation process, will be overseen and led by the Director of the Professional Learning Support Division.

In July 2011, the National Research Council (NRC) released *A Framework for K-12 Science Education: Practices, Crosscutting Concepts, and Core Ideas* this document serves as the framework for the development of the NGSS. Dr. Helen Quinn, a professor of Physics at Stanford University, was the chairperson in the development of the new national framework.

Dr. Stephen L. Pruitt, the Vice President for Content, Research, and Development at Achieve, Inc. is the national lead for the development of the NGSS. He will be present and will provide information on the development process and status of the NGSS.

RECOMMENDATION

There is no specific action recommended at this time.

BRIEF HISTORY OF KEY ISSUES

The new national framework was commissioned by the National Research Council and developed by an 18 member committee. The complete framework is available on the National Academies Web site at http://www.nap.edu/ (Outside Source).

The development of the NGSS is based on the national framework developed by the NRC. The NGSS will include alignment to the Common Core State Standards in both Mathematics and English language arts. The 26 Lead State Partners are guiding the standards writing process, gathering and delivering feedback from state-level committees, and coming together to address common issues and challenges. The Lead State Partners also agree to commit staff time to the initiative and, upon completion, give serious consideration to adopting the NGSS.

The first meeting of the 70-member California NGSS team was held on November 30, 2011, to review a sampling of draft science standards. The team was also given the opportunity to review the complete set of standards in February 2012. While the review process is confidential and the current state of the standards is preliminary, the state review team generally agrees with the direction of the standards and feels these standards will improve science education for our students.

Drafts of the science standards will be made available for public input at least twice during the NGSS development process. The first opportunity is tentatively scheduled to begin at the end of April 2012.

The NGSS is scheduled to be completed by the fall of 2012. Additional information is available on the NGSS Web site at http://www.nextgenscience.org/ (Outside Source).

As the lead for the development of the NGSS, Dr. Pruitt, as well as CDE staff, will be able to provide information to and respond to questions from SBE members.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the November 2011 California State Board of Education (SBE) meeting, the Department provided an overview of the development of the NGSS. The attachments from this overview are also included in this item.

The Department's presentation also provided information on the requirements of Senate Bill 300, as chaptered. Specifically, the State Superintendent of Public Instruction (SSPI) is required to present recommended science content standards–utilizing the NGSS as their basis–to the SBE by March 30, 2013. The SBE must adopt, reject, or modify those standards by July 30, 2013.

FISCAL ANALYSIS (AS APPROPRIATE)

Projected costs for participating in the development of the NGSS are approximately $186,000 which may come from foundation funding. This amount would cover the cost of required trips to Washington, convening the California teams, and for staff to coordinate the logistics associated with the development of the standards.

ATTACHMENT(S)

Attachment 1: Report Brief: A Framework for K-12 Science Standards: Practices, Crosscutting Concepts, and Core Ideas (6 Pages)

Attachment 2: Press Release: States to Lead Effort to Write Next Generation Science Standards (2 Pages)

Attachment 3: Timeline for the Development of the Next Generation of Science Standards (1 Page)

Attachment 4: State Core Leadership Team for the Development of New Science Standards (1 Page)

JULY 2011 BOARD ON SCIENCE EDUCATION

Report Brief: A Framework for K-12 Science Standards: Practices, Crosscutting Concepts, and Core Ideas

This report and the framework were prepared by the Board on Science Education, part of The National Academies. The framework was developed by an 18 member committee of science experts. Five of the 18 members are from California.

Note: This is a Word version of a portable document format (pdf) file available at http://www7.nationalacademies.org/bose/Standards_Framework_Homepage.html

WHY IS A K-12 SCIENCE FRAMEWORK NEEDED?

Science, engineering, and technology permeate every aspect of modern life. Some knowledge of science and engineering is required to understand and participate in many major public policy issues of today, as well as to make informed everyday decisions, such as selecting among alternate medical treatments or determining whether to buy an energy-efficient furnace.

By the end of the 12th grade, students should have sufficient knowledge of science and engineering to engage in public discussions on science-related issues, to be critical consumers of scientific information related to their everyday lives, and to be able to continue to learn about science throughout their lives. They should recognize that our current scientific understanding of the world is the result of hundreds of years of creative human endeavor. And these are goals for *all* of the nation's students, not just those who pursue higher education or careers in science, engineering, or technology.

Today, science education in the United States is not guided by a common vision of what students finishing high school should know and be able to do in science. Too often, standards are long lists of detailed and disconnected facts, reinforcing the criticism that our schools' science curricula tend to be "a mile wide and an inch deep." Not only does this approach alienate young people, it also leaves them with fragments of knowledge and little sense of the inherent logic and consistency of science and of its universality. Moreover, the current fragmented approach neglects the need for students to engage in the practices of science and engineering, which is a key part of understanding science.

The time is ripe for a new framework for K-12 science education not only because of weaknesses in the current approaches, but also because new knowledge in both the sciences and the teaching and learning of science has accumulated in the past 15 years. In addition, the movement by most of the states to adopt common standards in mathematics and in language arts has prompted the call for comparable standards in science to guide state reforms.

The National Research Council (NRC) of the National Academy of Sciences was asked to develop a framework that would provide unifying guidance for the nation's schools to improve all students' understanding of science. The expert committee that developed the framework used research-based evidence on how students learn, input from a wide array of scientific experts and educators, and past national reform efforts, as well as its members' individual expertise and collective judgment.

HOW THE FRAMEWORK WAS DEVELOPED

1. NRC convened a committee of 18 experts in education and scientists from many disciplines to develop the framework drawing on their own expertise, current research, and guidance from small teams of specialists.

2. A draft of the framework was released in the summer of 2010 to gather comments from scientists, teachers, and the public. The National Science Teachers Association, the American Association for the Advancement of Science, and other groups aided this effort by collecting feedback from their members.

3. The committee revised the draft in response to all the comments received.

4. As a final step to ensure high quality, the framework went through the NRC's intensive peer-review process. More than 20 experts in the sciences, engineering, and teaching and learning provided detailed comments.

5. The committee revised the framework again in response to the experts' comments.

HOW WILL THE FRAMEWORK BE USED?

The framework is designed to be the basis for the next generation of science standards. Using the practices, crosscutting concepts, and core ideas that the framework lays out, a group of states, coordinated by Achieve, Inc. (a nonprofit education organization), will develop standards for what students should learn at grades 2, 5, 8, and 12.

The framework is also designed to be useful to others who work in science education. They include:

• curriculum developers and assessment designers;

• schools and educators who train teachers and create professional development materials for them;

• state and district science supervisors, who make key decisions about curriculum, instruction, and professional development; and

• science educators who work in informal settings, such as museum exhibit designers or writers and producers of documentary films.

WHAT'S IN THE FRAMEWORK?

The framework consists of a limited number of elements in three dimensions: (1) scientific and engineering practices, (2) cross-cutting concepts, and (3) disciplinary core ideas in science. It describes how they should be developed across grades K-12, and it is designed so that students continually build on and revise their knowledge and abilities throughout their school years. To support learning, all three dimensions need to be integrated into standards, curricula, instruction, and assessment.

DIMENSION 1: SCIENTIFIC AND ENGINEERING PRACTICES

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

This dimension focuses on important practices used by scientists and engineers: modeling, developing explanations, and engaging in argumentation. These practices have too often been underemphasized in K-12 science education. For example, all of the disciplines of science share a commitment to data and evidence as the foundation for developing claims about the world. As they carry out investigations and revise or extend their explanations, scientists examine, review, and evaluate their own knowledge and ideas and critique those of others through a process of argumentation.

Engaging in the full range of scientific practices helps students understand how knowledge develops and gives them an appreciation of the wide range of approaches that are used to investigate, model, and explain the world. Similarly, engaging in the practices of engineering helps students understand the work of engineers and the links between engineering and science.

The full report describes these eight practices, articulating the major competencies that students should have by the end of 12th grade and outlining how student competence might progress across the grades.

DIMENSION 2: CROSSCUTTING CONCEPTS THAT HAVE COMMON APPLICATION ACROSS FIELDS

1. Patterns
2. Cause and effect: mechanism and explanation
3. Scale, proportion, and quantity
4. Systems and system models
5. Energy and matter: flows, cycles, and conservation
6. Structure and function
7. Stability and change

These seven cross-cutting concepts are key across science and engineering. They provide students with ways to connect knowledge from the various disciplines into a coherent and scientific view of the world. For example, the concept of “cause and effect: mechanism and explanation” includes the key understandings that events have causes, sometimes simple, sometimes multifaceted; that a major activity of science is investigating and explaining causal relationships and the mechanisms by which they are mediated; and that such mechanisms can then be tested across given contexts and used to predict and explain events in new contexts.

Students’ understanding of these crosscutting concepts should be reinforced by their repeated use in instruction across the disciplinary core ideas (see Dimension 3). For example, the concept of “cause and effect” could be discussed in the context of plant growth in a biology class and in the context of investigating the motion of objects in a physics class. Throughout their science and engineering education, students should be taught the crosscutting concepts in ways that illustrate their applicability across all the disciplines.

DIMENSION 3: CORE IDEAS IN FOUR DISCIPLINARY AREAS

Physical Sciences
PS 1: Matter and its interactions
PS 2: Motion and stability: Forces and interactions
PS 3: Energy
PS 4: Waves and their applications in technologies for information transfer

Life Sciences
LS 1: From molecules to organisms: Structures and processes
LS 2: Ecosystems: Interactions, energy, and dynamics
LS 3: Heredity: Inheritance and variation of traits
LS 4: Biological Evolution: Unity and diversity

Earth and Space Sciences
ESS 1: Earth’s place in the universe
ESS 2: Earth’s systems
ESS 3: Earth and human activity

Engineering, Technology, and the Applications of Science
ETS 1: Engineering design
ETS 2: Links among engineering, technology, science, and society

The framework includes core ideas for the physical sciences, life sciences, and earth and space sciences because these are the disciplines typically included in science education in K-12 schools. Engineering and technology are featured alongside these disciplines for two critical reasons: to reflect the importance of understanding the human-built world and to recognize the value of better integrating the teaching and learning of science, engineering, and technology.

The focus on a limited number of core ideas in science and engineering is designed to allow sufficient time for teachers and students to explore each idea in depth and thus with understanding.

The full report provides detailed descriptions of each core idea, as well as descriptions of what aspects of each idea should be learned by the end of grades 2, 5, 8 and 12. Establishing limits for what is to be learned about each core idea for each grade band clarifies the most important ideas that students should learn.

HOW CAN THE VISION OF THE FRAMEWORK BE REALIZED?

Students will make the greatest strides in science and engineering learning when all components of the system—from professional development for teachers to curricula and assessments to time allocated for these subjects during the school day—are aligned with the vision of the framework. Aligning the existing K-12 system with that vision will involve overcoming many challenges, including teachers' familiarity with current instructional practices and the time allocated to science. The full report identifies such challenges to help educators and policymakers begin to consider how to meet them. It also offers recommendations to guide standards developers and lays out an agenda for updating the framework and standards in the future.

For More Information . . .

This brief was prepared by the Board on Science Education www.nationalacademies.org/bose. Copies of the report, *A Framework for K-12 Science Standards: Practices, Crosscutting Concepts, and Core Ideas*, are available from the National Academies Press at (888) 624-8373 or (202) 334-3313 (in the Washington, DC metropolitan area) or via the National Academies Press webpage at www.nap.edu.
The study was funded by the Carnegie Corporation. Any opinions, findings, conclusions, or recommendations expressed in the publication are those of the authors and do not necessarily reflect those of the Carnegie Corporation.

COMMITTEE ON A CONCEPTUAL FRAMEWORK FOR NEW SCIENCE EDUCATION STANDARDS

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Press Release: States to Lead Effort to Write Next Generation Science Standards

SEPTEMBER 20, 2011—A group of 20 states has been selected to lead an important effort to improve science education for all students.

The 20 states will lead the development of Next Generation Science Standards (NGSS), a state-led effort that will clearly define the content and practices all students will need to learn from kindergarten through high school graduation. The NGSS process is being managed by Achieve, an education reform non-profit organization.

“The Lead State Partners will provide important leadership and guidance throughout the development of the Next Generation Science Standards and are to be congratulated for making a strong commitment to improving science education,” said Michael Cohen, president of Achieve. “This will be a collaborative, process that will lead to a set of standards that provides America’s students a strong foundation in science and supports college and career readiness for all.”

The Lead State Partners are Arizona, California, Georgia, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, South Dakota, Tennessee, Vermont, Washington and West Virginia

The development of the Next Generation Science Standards is a two-step process. The first step was the building of a framework that identified the core ideas and practices in natural sciences and engineering that all students should be familiar with by the time they graduate. In July, the National Research Council released *A Framework for K-12 Science Education,* developed by a committee representing expertise in science, teaching and learning, curriculum, assessment and education policy.

The second step is the development of science standards based on the *Framework*. The 20 Lead State Partners will guide the standards writing process, gather and deliver feedback from state-level committees and come together to address common issues and challenges. The Lead State Partners also agree to commit staff time to the initiative and, upon completion, give serious consideration to adopting the Next Generation Science Standards. In order to be considered, states had to submit a letter with the signature of the Chief State School Officer and the chair of the State Board of Education.

Drafts of the science standards will be made available for public input at least twice during the NGSS development process. The NGSS should be completed by the end of 2012.

American students continue to lag internationally in science education, making them less competitive for the jobs of the present and the future. A recent U.S. Department of Commerce study shows that over the past 10 years, growth in Science, Technology, Engineering and Mathematics (STEM) jobs was three times greater than that of non-

STEM jobs. The report also shows that STEM jobs are expected to continue to grow at a faster rate than other jobs in the coming decade.

"There is a clear benefit to providing our students with the strong science education they need to compete in college and the work place," said Stephen Pruitt, Vice President of Content, Research and Development at Achieve, who is coordinating the NGSS effort. "A strong science education provides all students with opportunities to be successful in the 21st century."

For more information, visit the Next Generation Science Standards website at www.nextgenscience.org.

ABOUT ACHIEVE

Created in 1996 by the nation's governors and corporate leaders, Achieve is an independent, bipartisan, nonprofit education reform organization based in Washington D.C. that helps states raise academic standards and graduation requirements, improve assessments, and strengthen accountability. Achieve is leading the effort to make college and career readiness a national priority so that the transition from high school graduation to postsecondary education and careers is seamless. In 2005 Achieve launched the American Diploma Project Network. Starting with 13 original states, the Network has now grown to include 35 states educating nearly 85 percent of all U.S. public school students. Through the ADP Network, governors, state education officials, postsecondary leaders and business executives work together to improve postsecondary preparation by aligning high school standards, assessments, graduation requirements and accountability systems with the demands of college and careers. In addition, Achieve partnered with NGA and CCSSO on the Common Core State Standards Initiative; was selected by the states to manage the PARCC assessment consortia creating tests in math and English aligned to the CCSS and is managing the development of the Next Generation Science Standards. For more information about the work of Achieve, visit www.achieve.org

Timeline for the Development of the Next Generation of Science Standards

Information and graphic are from the Next Generation Science Standards (NGSS) Development Process Web page at http://www.nextgenscience.org/development-process.

Throughout the development process, the NGSS will go through several rounds of review with multiple stakeholder groups. Each group will receive draft standards at least twice throughout the development process. Below is the general process and timeline for the development of the NGSS

State Core Leadership Team for the Development of New Science Standards

California Leadership

- Tom Torlakson, State Superintendent of Public Instruction, California Department of Education (CDE)

- Dr. Michael Kirst, President, California State Board of Education (SBE)

Governor's Education Policy Advisor

- Sue Burr, Executive Director, California State Board of Education (SBE)

State Board Members

- Trish Williams, Vice President, California State Board of Education (SBE)
- Dr. Ilene Straus, Member, California State Board of Education (SBE)

California Department of Education Program Supervisors

- Deborah V.H. Sigman, Deputy Superintendent, District, School, and Innovation Support Branch, CDE

- Lupita Cortez Alcala, Deputy Superintendent, Instruction and Learning Support Branch, CDE

- Thomas Adams, Director, Curriculum Frameworks and Instructional Resources Division, CDE

- Phil Lafontaine, Director, Professional Learning and Support Division, CDE and former Council of State Science Supervisor (CS^3) Member

- Rachel Perry, Director, Analysis, Measurement, and Accountability Reporting Division, CDE

- Patrick Ainsworth, Director, Career and College Transition Division, CDE

- Fred Balcom, Director, Special Education Division, CDE

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve, 2014 Revision: Approval of the Timeline and Curriculum Framework and Evaluation Criteria Committee Application Form. The future activities of Instructional Quality Commission will also be discussed.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 60207 requires the State Board of Education (SBE) to adopt a revised English language arts curriculum framework, including new English language development (ELD) standards, and evaluation criteria for the adoption of English language arts instructional materials aligned to the Common Core State Standards (CCSS). *California Code of Regulations*, Title 5 (5 *CCR*), Section 9511, allows the SBE to establish a Curriculum Framework and Evaluation Criteria Committee (CFCC) to assist in the development of curriculum frameworks and evaluation criteria and lists the requirements regarding the recruitment process and qualifications for members of the CFCC. This item is the first in what will be a series of items regarding the 2014 revision of the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve* (*ELA*/*ELD Framework*).

At the March 2012 meeting, the SBE appointed members to the Instructional Quality Commission (IQC), formerly known as the Curriculum Development and Supplemental Materials Commission or "Curriculum Commission." This 18-member commission advises the SBE on curriculum frameworks and instructional materials. In addition, recent legislation, Assembly Bill 250 (Chapter 605, Statutes of 2011), expanded the Commission's duties to recommend policies and activities that

> …are needed to implement the state's academic content standards, and bring the state's curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the timeline and CFCC application form for the 2014 revision of the *ELA/ELD Framework*.

BRIEF HISTORY OF KEY ISSUES

When the SBE adopted the CCSS with California additions in August 2010, these standards became the current subject-matter standards in English language arts and literacy in history–social science studies, science, and technical subjects. The full implementation of these standards will occur over several years as new CCSS-aligned curriculum frameworks and instructional materials are adopted. Revising the *ELA/ELD Framework* to align with the CCSS with California additions is an important component in the implementation of the standards.

The *ELA/ELD Framework* revision will also include the new English language development (ELD) standards. In October 2011, AB 124 (Chapter 605, Statutes of 2011), established the English Language Development Standards Advisory Committee to update, revise, and align the ELD standards with the CCSS. Adoption of the revised ELD standards by the SBE is anticipated in September or November 2012.

The revision of the *ELA/ELD Framework* is a multi-step process. It involves educators, content experts, and other stakeholders who serve as members of the four focus groups, which are convened by the CDE, IQC, and the CFCC and appointed by the SBE. Throughout the revision process, there are opportunities for public input at focus group, CFCC, IQC, and SBE meetings and during two 60-day public review periods. Attachment 1 outlines the major steps in the framework revision process. The IQC's role is to make recommendations to the SBE on CFCC appointments, provide guidance for framework development, approve a draft document for field review, revise the document based upon field review comments, and recommend the draft framework to the SBE. Attachment 2 provides additional details on the framework revision process.

The framework revision process requires action by the SBE at key points, including the approval of a timeline (Attachment 3) and the CFCC application form (Attachment 4) as first steps in the process. The timeline assumes the IQC has its first working meeting in May 2012. Additional SBE actions in 2012 include the appointment of CFCC members and approval of guidance to direct the CFCC's work. During 2013, the CFCC, with input from the IQC and the public, will meet to produce a draft *ELA/ELD Framework*. In 2014, the SBE will take action on the IQC's recommendation regarding adoption of the revised framework for English language arts.

In addition to making recommendations on the appointment of CFCC members and the adoption of the revised framework, the IQC and its English Language Arts/English Language Development Subject Matter Committee (ELA/ELD SMC) assist the SBE by ensuring that the CFCC follows the guidance approved by the SBE.

The Curriculum Frameworks and Instructional Resources Division, the California Comprehensive Center at WestEd, and a professional writing team will be supporting the framework revision.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

November 2008: The SBE adopted instructional materials in English language arts for kindergarten through grade eight.

January 2008: The SBE adopted new *California Code of Regulations,* Title 5 (5 *CCR*), governing the curriculum framework and instructional materials adoption process.

April 2006: The SBE adopted the *Reading/Language Arts Framework for California Public Schools: Kindergarten Through Grade Twelve* that includes the *English Language Arts Content Standards for California Public Schools: Kindergarten Through Grade Twelve* (*ELA Content Standards*) and the criteria for evaluating instructional materials submitted for the 2008 English Language Arts Primary Adoption.

FISCAL ANALYSIS

The cost to revise the *ELA/ELD Framework* is anticipated to be a total of $222,590 over three budget years, 2011–2012, 2012–2013, and 2013–2014. This cost includes the expenses of the focus groups, the CFCC, and the meetings of the IQC and ELA SMC.

The expenses are also comprised of the costs of a contracted *ELA/ELD Framework* writing team and other costs associated with the procedures mandated in 5 *CCR* regulations for the adoption of curriculum frameworks. In addition, the CDE budget will cover the anticipated $1.54 million in CDE staff costs. Costs to revise the *ELA/ELD Framework* will be paid by State General Fund dollars.

ATTACHMENT(S)

Attachment 1: California Department of Education *ELA/ELD Framework* Development Process (1 Page)

Attachment 2: Plan for the 2014 Revision of the *ELA/ELD Framework for California Public Schools: Kindergarten Through Grade Twelve* (3 Pages)

Attachment 3: Draft Timeline for the 2014 Revision of the *ELA/ELD Framework for California Public Schools: Kindergarten Through Grade Twelve* (2 Pages)

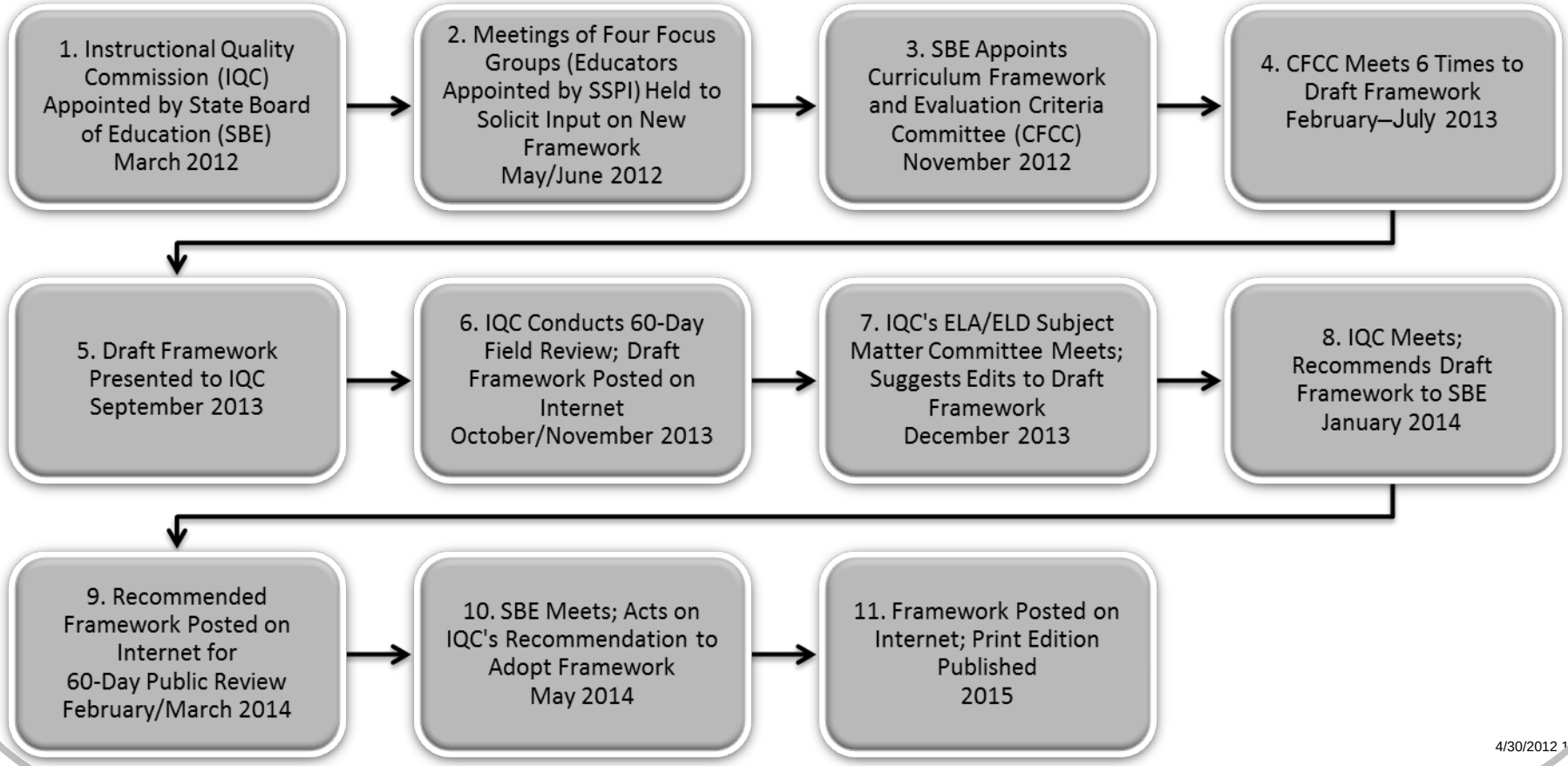
Attachment 4: Draft Application for Appointment to the ELA/ELD Curriculum Framework and Evaluation Criteria Committee (7 Pages)

CALIFORNIA DEPARTMENT OF EDUCATION

English Language Arts/English Language Development Framework Development Process

This chart shows the major steps of the curriculum framework development process.

All meetings are open to the public.



Plan for the 2014 Revision of the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve*

The 2014 revision of the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve* (*ELA/ELD Framework*) will involve the following major components:

1. Focus Groups

The *California Code of Regulations*, Title 5*,* Education*,* (5 *CCR*), Section 9511(c) states that the California Department of Education (CDE) shall convene four public focus groups of educators to provide comment to the Instructional Quality Commission (IQC)[1], the Curriculum Framework and Evaluation Criteria Committee (CFCC), and the State Board of Education (SBE).

These meetings will be held in May and June 2012 in four different regions of California. The focus groups will allow educators, including current classroom teachers, and members of the public to submit comments before the actual work of the CFCC begins. Input from the focus group meetings will be considered by the IQC and SBE as they develop guidelines for the CFCC's work. A report on the focus groups' discussions will be provided at the September 2012 meeting of the IQC.

2. Guidance for Alignment to the Common Core State Standards for English Language Arts

The primary focus of the 2014 revision of the *ELA/ELD Framework* will be to incorporate the Common Core State Standards for English language arts and literacy in history/social studies, science, and technical subjects (commonly known as the CCSS for ELA) adopted by the SBE in August 2010, the English language development standards (ELD standards) due for adoption by the SBE in September or November 2012, and to provide support for standards-based English language arts instruction aligned with the CCSS. Also, discussion at focus groups and IQC meetings will help identify specific content to include in each of the chapters of the current framework and how to organize the revised framework to support effective instruction.

Issues that the focus groups will be asked to address include:

- Instructional Strategies, including strategies that promote critical thinking, collaboration, communication, and exploration

- Assessment that provides pupils with multiple modes for demonstrating learning

[1] This commission was formerly the Curriculum Development and Supplemental Materials Commission.

- Inclusion of the ELD standards
- Universal Access, including strategies to address the needs of English learners, gifted students, and students with disabilities
- Professional Development, including strategies to support development of student literacy in other content areas
- Technology for students and teachers, with a focus on the use of technology and multimedia to support 21st century skills and prepare students for college and careers

In addition, sections of the current framework may be expanded, eliminated, or revised based on input from the focus groups, the CFCC, the IQC, public comments, and the SBE. The SBE will be acting on guidance from the CFCC in November 2012.

3. Statutory Requirements

The framework revision must also reflect changes in statute affecting English language arts curriculum that have been enacted since the last update of the *ELA/ELD Framework.* Of particular significance will be the statutory requirements set forth in Assembly Bill 250 Chapter 608, Statues of 2011, including specific requirements for the criteria for evaluating instructional materials and the inclusion of ELD standards.

4. Curriculum Framework and Evaluation Criteria Committee

The CFCC application and timeline will be brought to the SBE at its May 2012 meeting. Recruitment for members of the CFCC will take place over several months, May through August 2012. Per 5 *CCR,* Section 9513(a), the CFCC application must be distributed at least 90 days before the date the SBE appoints the CFCC members. The CFCC applications will be brought to the IQC in September 2012 for action on appointment recommendations. The SBE will appoint the CFCC members at its November 2012 meeting.

Pursuant to the 5 *CCR,* Section 9511, a majority of CFCC members must be kindergarten through grade twelve teachers at the time of appointment. At least one teacher shall have experience in providing instruction to English learners, and at least one teacher shall have experience in providing instruction to students with disabilities. Also under 5 *CCR* Section 9511(f), teachers must meet the definition of "highly qualified" as defined by federal law (20 *United States Code* 7801[23]).
The SBE will provide direction to the CFCC on the scope of the framework revision and may also provide instructions on topics to be included. Members of the IQC, in particular the ELA/ELD Subject Matter Committee, will attend some or all of the CFCC's meetings.

It is anticipated that the CFCC will meet for six two-day meetings from February 2013 through July 2013. The CDE-contracted *ELA/ELD Framework* writing team and Curriculum Frameworks Unit staff will ensure that the CFCC's comments and suggestions are integrated into the draft document that is submitted to the IQC.

5. Field Review, IQC Action, 60-Day Public Review, and State Board Approval

Following receipt of the CFCC's initial draft framework (September 2013), the IQC will review the document and approve it for a 60-day field review. The field review, including an online survey, will take place during October and November 2013. In January 2014, the IQC will take action on an updated draft framework that incorporates comments submitted during the field review. The version of the draft framework approved by the IQC at the January 2014 meeting must be posted for at least 60 days before action by the SBE, pursuant to 5 *CCR* Section 9515(c). The SBE is scheduled to adopt the new framework and the criteria for evaluating instructional materials in May 2014. Finally, the adoption of new English language arts instructional materials, aligned to the revised *ELA/ELD Framework,* the ELD standards, and the CCSS for ELA, will have to be determined.

DRAFT
Timeline for the 2014 Revision of the *English Language Arts/English Language Development Framework for California Public Schools: Kindergarten Through Grade Twelve*

Event	Schedule
Focus Group recruitment letter and application distributed to Local Educational Agencies (LEAs), English language arts/English language development and stakeholder organizations, and institutes of higher education	February 2012
Recruitment of Focus Group members, pursuant 5 *CCR*, §9511(c) and *Education Code* Section 44013(a)	February to April 2012
State Board of Education (SBE) action to appoint Instructional Quality Commission (IQC) members	March 7, 2012
Instructional Quality Commission (IQC) meets and establishes English Language Arts/English Language Development Subject Matter Committee (ELA/ELD SMC); reviews pending SBE action on the timeline and the CFCC application	May 4, 2012
SBE action on a timeline and the Curriculum Framework and Criteria Committee (CFCC) application form	May 9–10, 2012
Superintendent appoints Focus Group members	May 2012
CFCC recruitment letter and application distributed to LEAs, English language arts/English language development stakeholder organizations, and institutes of higher education	Mid May 2012
Recruitment of CFCC members (at least 90 days pursuant to 5 *CCR*, §9513).	May to August 2012
Focus Group meetings in four locations, pursuant to 5 *CCR*, §9511(c), • Orange County Department of Education, May 22 • California Department of Education, Sacramento, May 31 • Monterey County Office of Education, June 4 • Contra Costa County Office of Education, June 5	Late May and early June 2012
ELA/ELD SMC reviews CFCC members, guidance for development of the framework, and Focus Group Report in preparation for full IQC review	September 18–19, 2012
IQC recommends CFCC members and guidance for development of the framework to the SBE, reviews Focus Group Report	Sepember 18–19, 2012
SBE appoints CFCC members, receives Focus Group Report, and approves guidance for revision of the framework	November 7–8, 2012
CFCC meets, six 2-day meetings in Sacramento to develop draft *English Language Arts/English Language Development Framework (ELA/ELD Framework)* CFCC meetings are tentatively scheduled for the following dates: February 28–May 1, 2013 March 27–28, 2013	February to July 2013

Event	Schedule
April 25–26, 2013 May 30–31, 2013 June 27–28, 2013 July 25–26, 2013	
ELA/ELD SMC reviews draft *ELA/ELD Framework* in preparation for full IQC review	September 26–27, 2013
IQC approves draft *ELA/ELD Framework* for initial 60-day public review period	September 26–27, 2013
60-day public review period prior to IQC recommendation to SBE, pursuant to 5 *CCR*, §9515(a)(3)	October to November 2013
ELA/ELD SMC reviews public review results and staff recommendations for edits to draft *ELA/ELD Framework*	Late December 2013
IQC analyzes public review results and revises draft *ELA/ELD Framework,* approves draft for second 60-day public review period	January 2014
Staff incorporates IQC changes to draft *ELA/ELD Framework* per IQC action	January 2014
Required 60-day public review and comment on IQC's recommended *ELA/ELD Framework,* pursuant to 5 *CCR*, §95159(c)	February to March 2014
SBE action on IQC's recommended *ELA/ELD Framework,* includes public hearing	May 2014
LEA implementation of *ELA/ELD Framework*	2014–15
Smarter Balanced Assessments	2014–15
Instructional Materials Adoption	November 2018

DRAFT

Application for Appointment to the English Language Arts/English Language Development Curriculum Framework and Evaluation Criteria Committee

Applications must be received by 3 p.m. Wednesday, August 16, 2012.

The State Board of Education (SBE) is recruiting members of the English Language Arts/English Language Development Curriculum Framework and Evaluation Criteria Committee (CFCC). The CFCC will play a significant role in the revision of the *English Language Arts/English Language Development Framework for California Public Schools, Kindergarten Through Grade Twelve* (*ELA/ELD Framework*). The *ELA/ELD Framework* will be revised to incorporate and support the Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects, (commonly known as the CCSS for ELA) adopted by the SBE in August 2010 and to reflect current research in English language arts instruction. The *ELA/ELD Framework* will also include the new English language development standards (ELD standards) scheduled for adoption by the SBE in September or November 2012. The CFCC provides input into the initial draft of the revised framework in accordance with guidelines approved by the SBE.

CFCC members include single-subject and multi-subject credentialed teachers; college and university personnel representing academic departments and schools of education; and representatives of citizen groups, educational organizations, industry, or other agencies. The Instructional Quality Commission (IQC), which serves as an advisory body to the SBE, recommends applicants for the CFCC to the SBE.

Serving on the CFCC represents a significant commitment of time and personal energy. Between February and August 2013, CFCC members will participate in up to six meetings (two days each) in Sacramento and spend a considerable amount of time between meetings reviewing or researching portions of framework drafts. Travel and per diem costs are reimbursed at standard state rates; however, no stipend or substitute pay is provided.

Instructions:

- Answer all the questions. An asterisk (*) denotes a required field.
- After answering all the questions on a page, select the “Next” button.
- You must submit a résumé with your application.
- On the last page of the Application, select the “Preview” button.
- **On the next screen, review all the responses, and then select the “Submit” button on the bottom of the screen.**

- After you have submitted the Application, save your Confirmation ID given on the next page. Select the “Print” button to obtain a hard copy. Select the “Download Application in pdf” button to download a pdf version of your application.

Personal Information
Salutations: (Mr. Ms. Mrs. Dr.–from drop down)
First Name:
Last Name:
MI:
Home Street Address:
Home City:
Home State:
Home Zip Code:
Home Phone:
Business Phone:
E-mail:

Employer’s Business Name:
Position Title:
Business Street Address:
Business City:
Business State:
Business Zip Code:

Areas of Expertise:
Check all that apply.

- o Administrator
- o Teacher providing instruction to students in kindergarten or grades one to twelve. Note that teachers must meet the requirements for a highly qualified teacher under the No Child Left Behind Act of 2001.
- o Teacher not providing instruction to students in kindergarten or grades one to twelve (e.g., mentor teacher or certificated teacher employed by school districts or county offices of education who is not in a position that requires a service credential with a specialization in administrative services)
- o Parent
- o Community Member
- o School Board Member
- o Other Areas of Expertise

Grade Levels of Expertise:
Check all that apply.

- o K–2
- o 3–5
- o 6–8
- o 9–12
- o Other Grade Levels (e.g. university, college):

Years Teaching:

Experience Teaching English Learners:
Have you provided instruction to English learners? ☐ **No** ☐ **Yes**
If yes, at what grade levels and for how many years? List any specialized credential, certificate, or training in this area.

Experience Teaching Students with Disabilities:
Have you provided instruction to students with disabilities? ☐ **No** ☐ **Yes**
If yes, at what grade levels and for how many years? List any specialized credential, certificate, or training in this area.

Highest Degrees/Certifications:
List your four highest academic degrees and/or certifications (such as CLAD or BCLAD) earned and the awarding institution. List your highest achievement first.

Degree/Certification #1:
Institution #1:

Degree/Certification #2:
Institution #2:

Degree/Certification #3:
Institution #3:

Degree/Certification #4:
Institution #4:

Knowledge of Common Core State Standards:
Describe how the CCSS for ELA, adopted in August 2010, might affect instruction and student learning. As part of your response, include how the incorporation of technology and the use of multimedia could facilitate instruction. (Use 2,000 characters or less.)

Standards-Based Instruction Experience:
Describe a standards-based activity, lesson, or instructional unit that you have used or could be used with a diverse student population, including students who are English learners, students with special needs, students who read below grade level, and students who are advanced learners. Explain how you would assess the effectiveness of the instructional example. (Use 2,000 characters or less.)

Areas of Expertise and Leadership:
Describe how your education and experience prepare you to participate in the CFCC to develop the *ELA/ELD Framework*. As part of your response, please describe your knowledge and use of the CCSS and your experience providing effective instruction to a diverse student population (including students who are English learners, students with special needs, students who read below grade level, and students who are advanced learners), developing curriculum or assessments, and serving as an instructional leader. In addition, include descriptions of strategies you used to incorporate California's ELD standards (1999) in your teaching. (Use 2,000 characters or less.)

Previous Committee Experience: Have you ever served on a committee that was engaged in standards or curriculum development, or the review of instructional materials? If yes, briefly detail your experience. (Use 1,000 characters or less.)

Relationship with Publishers: Conflict of Interest Disclosure Statement
Your answers below will serve as the disclosure of certain information as required by the "Statement of Activities that are Inconsistent, Incompatible, or in Conflict with Duties of a Member of an Educational Policy Advisory Commission or a Committee or Panel Thereof," as amended January 1978, and *California Code of Regulations*, Title 5 (5 *CCR*) Section 18600. Your answers will be the basis for an eligibility ruling in the event some activity appears to be inconsistent, incompatible, or in conflict with the duties assigned to the advisory framework committee.

For the questions below, "immediate family" is defined as your spouse and dependent children (5 *CCR* Section 82029).

Question 1:
Do you or a member of your immediate family have, or have you had, a business relationship at any time over the last twelve months with a publisher that produces instructional materials for California? If YES, list the company(-ies) that you have dealt with, and the amount (if any) of remuneration received. (Use 1,000 characters or less.)

Question 2:
Are you currently employed by or under contract to any person, firm, or organization which will do business with or submit instructional material to the California Department of Education (CDE)? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

Question 3:
Have you ever been employed by or had any other kind of contractual relationship with any person, firm, or organization doing business with, or submitting instructional materials to, the CDE? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

Question 4:
Do you expect to receive any royalty payments during your period of service on the ELA/ELD CFCC? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

Question 5:
Were you or any member of your immediate family an author, contributor, or editor of (or consultant on) any textbook, other curriculum material, or project proposal that is likely to be submitted to the CDE? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

Question 6:
Have you received compensation, do you expect to receive compensation, or do you have any other kind of contractual relationship with any organization that is either a subsidiary, parent organization, or "sister organization" of any entity which will do business with your advisory body or will submit materials to your advisory body? If YES or UNCERTAIN, please explain and provide as much detail as possible, including name of firm, nature of contract, dates of contract, and compensation. (Use 1,000 characters or less.)

Languages in which you are fluent (other than English)
Language 1:
Skill for Language 1:

- o Speak
- o Read
- o Write

Language 2:
Skill for Language 2:

- o Speak
- o Read
- o Write

Gender:

- o Male
- o Female

Ethnicity (optional):
Please select all that apply from below:

- o Hispanic/Latino
- o American Indian or Alaska Native
- o Asian
- o Black or African American
- o Native Hawaiian or Other Pacific Islander
- o White
- o Decline to state
- o Other _____

Applicant Acknowledgement/Certification

- I understand that this application becomes public information when submitted. The answers to the questions under Relationship to Publisher: Conflict of Interest Disclosure Statement are true and correct to the best of my knowledge and belief. I also understand that serving as a member of the CFCC will be demanding in terms of time and personal energy. I recognize that if appointed to this committee, I will be expected to attend up to six meetings (two days each) between February and August 2013 in Sacramento and spend a considerable amount of time between meetings reviewing or researching portions of framework drafts. I and my supervisor are aware that while travel and per diem costs are reimbursed at standard state rates, no stipend or substitute pay is provided. I have discussed this application with my supervisor and have received approval for release time to participate in all related activities.

Supervisor/Employer Information

First Name:
Last Name:
Position Title:
Phone:
E-mail:

Professional References

Please provide the names and contact information for at least one and up to three professional references.

First Name:
Last Name:
Position Title:
Institution:
Street Address:
City:
State:
Zip Code:
Phone:
E-mail:

First Name:
Last Name:
Position Title:
Institution:
Street Address:
City:
State:
Zip Code:
Phone:
E-mail:

First Name:
Last Name:
Position Title:
Institution:
Street Address:
City:
State:
Zip Code:
Phone:
E-mail:

Upload a Résumé
Note: Please attach a current résumé as it relates to your educational background and experience in English language arts/English language development in K–12 and/or higher education. If you are a classroom teacher, list the classes you are currently teaching, the grade level(s), and the language of instruction if other than English. Also, please indicate any specialized training you have had in English language arts in the past five years. Please limit your résumé to two or three pages and include your name on each page.

Please limit the size of the file to under 5 MB. This document will replace any previously uploaded résumé.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Update on the Activities of the California Department of Education Regarding the Development of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) adopted the Common Core State Standards (CCSS) for English language arts (ELA) in August 2010.

California *Education Code* Section 60811.3 (a), created by Assembly Bill (AB) 124 (Chapter 605, Statues of 2011) requires that the State Superintendent of Public Instruction (SSPI), in consultation with the SBE, update, revise, and align the English language development (ELD) standards to the SBE-adopted CCSS for ELA.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take no specific action at this time.

BRIEF HISTORY OF KEY ISSUES

The SBE adopted the CCSS for ELA in August 2010. These standards became the current subject-matter standards in ELA. In October 2011, Governor Edmund G. Brown, Jr. signed AB 124 into law, which requires that the SSPI, in consultation with the SBE, update, revise, and align the ELD standards to the adopted CCSS in ELA. As mentioned during the March SBE meeting, the charge is to develop ELD standards aligned by grade level and comparable to, and as rigorous and specific as, the adopted CCSS in ELA.

BRIEF HISTORY OF KEY ISSUES (Continued)

In meeting these requirements, the SSPI must convene a group of experts in English language instruction, curriculum, and assessment, including individuals who have a minimum of three years of demonstrated experience instructing English learners (ELs) in the classroom at the elementary or secondary level. Also, AB 124 requires two public hearings and puts in place a deadline of August 31, 2012 to present the proposed standards to the SBE (See Attachment 1).

The CDE convened five focus groups across the state. Focus groups were held at the CDE (February 14), Ventura (February 16), Alameda (February 21), Los Angeles (February 22), and San Diego (February 23) County Offices of Education (COEs). Each focus group included between 15 and 20 educators, who were selected to ensure balanced representation of regions, types of schools, and experience. California *Education Code* Section 44013(a) defines an educator:

> "Educator" means a certificated person holding a valid California teaching credential or a valid California services credential issued by the commission who is employed by a local education agency or by a special education local planning area and who is not employed as an independent contractor or consultant.

In total, 88 educators who have a minimum of three years instructing ELs participated in the focus groups, of which, 2 percent (2) were Regional COE Leads, 76 percent (67) were school district administrators, 19 percent (17) were teachers, and 2 percent (2) were school principals (See Attachment 2). Prior to the focus groups, participants were asked to review the current California ELD standards, as well as newly developed ELD standards from other states that are aligned to the CCSS. The discussion during the focus group included two parts. Part one of the discussion focused on the structure and organization, and participants were asked to reflect on their likes and dislikes of the sample standards as well as what the relationship between ELD and subject matter standards should be. During part two of the discussion, participants discussed the granularity and the content of the ELD standards, including the appropriate level of specificity in the ELD standards; information that would best help teachers make distinctions between ELD and subject matter; and information that would best help teachers effectively integrate the ELD standards to support student learning and achievement (See Attachments 3 and 4). All focus group discussions were audio-recorded and transcribed. In addition, CDE staff kept a written record of participant comments during each of the focus groups (See Attachment 5). Notes and transcriptions were then reviewed and analyzed for common themes and recommendations. There were common recommendations made by the participants across the five focus groups. These recommendations include:

- Identify what students will know and be able to do when they have mastered the standard, including identifying reliable resources for determining depth and rigor, scaffolding skills with level above and below and using clear and concise language for students.

BRIEF HISTORY OF KEY ISSUES (Continued)

- Provide a clearly organized and user-friendly format
- Include social and academic language (including oral language)
- Include horizontal and vertical alignment
- Include proficiency level descriptors (for purposes of instruction)
- Include a 9–12 grade level emphasis (ELD and language in the content areas)
- Provide examples: specificity and language progression
- Include explicit/specific standards that apply to language demands of the content areas but separate content from ELD. The ELD standards need to make a clear distinction between content and ELD, yet content areas need to have language expectations and specificity
- Keep the current California ELD standards' proficiency levels
- Provide connections to cognitive functions (Bloom's taxonomy, etc.)
- Provide specific supports in language functions to different groups (i.e., Long Term ELs)
- Provide distinction to work at students' proficiency level during ELD and not by grade level
- Include consistent common language
- Consider the linguistic needs to master the CCSS when writing ELD standards

As required by AB 124, the CDE also worked to recruit a panel of experts, as outlined in EC Section 60811.3 (b):

> In meeting the requirements of subdivision (a), the Superintendent, in consultation with the state board, shall convene a group of experts in EL instruction, curriculum, and assessment, including individuals who have a minimum of three years demonstrated experience instructing English learners in the classroom and at the elementary or secondary level.
>
> Members of the group include, but are not limited to, individuals who are school site principals, school district or county office of education administrators overseeing programs and support for English learners, personnel of teacher

BRIEF HISTORY OF KEY ISSUES (Continued)

training schools at institutions of higher education, or curriculum and instructional specialists with English learner expertise.

Similar to the focus groups, the Panel of Experts includes 21 educators, who were selected to ensure balanced representation of regions, types of schools, and experience. Of the selected panelists, 33 percent (7) are COE administrators, 29 percent (6) are school district administrators, 10 percent (2) are school administrators, 5 percent (1) represent teachers, and 24 percent (5) are from institutions of higher education (See Attachment 6). The panelists possess multiple levels of experience, for example, COE, school district and school administrators all hold a teacher credential and provide professional development to teachers of ELs. Panelists from institutions of higher education teach in teacher education, curriculum, and assessment programs in their respective institutions and work with teachers and administrators on a regular basis.

The panel of experts will convene four times between March 2012 and June 2012. All meetings are facilitated by the Director of the English Learner Support Division and are open to the public. The first meeting was held March 19, 2012 at the CDE. During this meeting, panelists discussed general design principles of the standards; levels, structure, and organization of the standards; level of specificity and focus of ELD standards and correspondence to the CCSS; and academic language (See Attachment 7). The input provided by the panelists directly informs the work of the technical writers developing the standards.

After the last panel of experts meeting and the draft standards are completed, they will be made available for public comment and posted on the CDE Web site. In addition, two public hearings (July 24 and 26) will be conducted to receive public input on the draft standards. Public input from the hearings may guide further revisions to the draft standards.

Upon receiving the SSPI-recommended ELD standards by August 31, 2012, the SBE must adopt, revise, or reject the standards by September 30, 2012. If the SBE finds a need for modifications to the standards, the timeline for action by the SBE is extended to November 15, 2012.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

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

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

$200,000 in Title I local assistance carryover funds will be used for costs incurred by the CDE.

ATTACHMENT(S)

Attachment 1: Timeline for the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve* (1 Page) This attachment is available on the CDE English Language Development Standards Web page at http://www.cde.ca.gov/sp/el/er/eldstandards.asp.

Attachment 2: Focus Group Members for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve* (4 Pages).

Attachment 3: AB 124 English Language Development Standards Focus Group Meeting Agenda (1 Page).

Attachment 4: AB 124 English Language Development Standards Focus Group Meeting Questions (1 Page).

Attachment 5: Focus Group Results for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve* (24 Pages).

Attachment 6: Panel of Experts and Alternates for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve*. (2 Pages).

Attachment 7: California Department of Education English Language Development Standards Panel of Experts Meeting Notice (2 Pages). This attachment is available on the CDE English Language Development Standards Web page at http://www.cde.ca.gov/sp/el/er/eldstandards.asp.

Timeline for the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve*

Event	Schedule
Focus Group recruitment letter and application distributed to local educational agencies (LEAs), English Language Development (ELD) stakeholder organizations, and institutes of higher education	January 2012
Recruitment of Focus Group members	January 2012
State Superintendent of Public Instruction (SSPI) appoints Focus Group members	January to February 2012
Focus Group meetings in five locations • California Department of Education, Sacramento-February 14, 2012 • Ventura COE-February 16, 2012 • Alameda COE-February 21, 2012 • Los Angeles COE-February 22, 2012 • San Diego COE-February 23, 2012	February 2012
SSPI recruits Panel of Experts for *English Language Development Standards* pursuant to EC Section 60811(b)	February 2012
State Board of Education (SBE) information on focus groups, plan, timeline, and Panel of Experts	March 7–8, 2012
SSPI convenes Panel of Experts in the California Department of Education in Sacramento to develop draft *English Language Development Standards* • March 19, 2012 • April 30 and May 1, 2012 • May 21 and 22, 2012 • June 21 and 22, 2012 (4 meetings open to the public) pursuant to EC Section 60811(b)	March 2012 to June 2012
SBE information on focus group discussions, timeline, and Panel of Experts	May 9–10,2012
SSPI approves draft *English Language Development Standards* for 30-day public review period and document is posted on CDE Web site	July 1–31, 2012
SSPI holds two public hearings pursuant to EC Section 60811(c)	July-August, 2012
The CDE analyzes public review results and revises draft *English Language Development Standards*	July-August 2012
SSPI presents *English Language Development Standards* to SBE	August 31, 2012
SBE action on recommended *English Language Development Standards*, includes public hearing, if no modifications	September 2012
SBE action on recommended *English Language Development Standards*, includes public hearing, if there are modifications	November 2012

Focus Group Members for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve*

Last Name	First Name	Current Position	Employer's Name
Meeting Location: Alameda COE, 18 participants			
Alamillo-Perez	Angelica	Dual Language Immersion Specialist (K-8)	Hayward Unified School District
Aranda	Anne	First Grade – Spanish Bilingual	San Lorenzo Unified School District
Artis	Susan	3rd Grade	San Rafael City Schools
Bustillos	Maytte	District English Learner Coordinator and Dual Immersion Program Coordinator	Old Adobe Union School District
Castagna	Claire	Assistant Superintendent of Educational Services	Sunnyvale School District
Ferguson	Ellen	Achievement Coordinator, K-8	Chualar Union School District
Ford	Charlotte	Region IV Title III Lead/EL Coordinator	Contra Costa County Office of Education
Garcia	Ana	Academics and Professional Development- English Learner Support Services K-5	San Francisco Unified School District
Gordon	Andrew	Coordinator: Ed. Services, English Learner and Categorical Programs	San Leandro Unified School District
Kessler	Susan	Categorical Program Manager, Federal & State Programs	Fremont Unified School District
LaPlace	Elise	EL/Literacy Resource Teacher	Salinas Union High School District
Muzaffery	Lisa	Categorical Program Manager (K-12)	Fremont Unified School District
Puente	Debra	Coordinator, Curriculum & Instruction	Santa Cruz County Office of Education
Ray	Michael	Bilingual / EL Specialist	Oakland Unified School District
Sanchez	Jennifer	Content Specialist, English Learner Support Services	San Francisco Unified School District
Saucedo	Alma	EL Specialist	Salinas Union High School District
Scott	Amye	ELD Teacher on Special Assignment/Instructional Coach ELD/ELA K-5	Napa Valley Unified School District
Stender	Renee	Coleman School-third grade	San Rafael City Schools
Meeting Location: Los Angeles COE, 21 participants			
Apodaca	Andrew	English Learner Curriculum Specialist	Anaheim City School District
Avagyan	Marine	Coordinator, Curriculum, Professional Development & Categorical Programs	Glendale Unified School District
Buck	Debbie	ELD Teacher – 9-12	El Monte Union High School District
Canedo	Adeline	Assistant Director, English Learner	Montebello Unified School District

		Programs/Curriculum & Instruction K-8	
Criner	Wendy	English Learner Curriculum Specialist	Anaheim Union High School District
Diaz	Lizette	Elementary Principal, Preschool-6th Grade	Ontario Montclair School District
Diaz	Gil	Curriculum Coordinator - English Learners	San Bernardino County Superintendent of Schools
Field	Sandra	ELD Teacher	Palos Verdes Peninsula USD
Haggart	Heather	Teacher on Special Assignment	Newhall School District
Hartung-Cole	Elizabeth	English 1-2	Long Beach USD
Herrera	Carla	District Program Specialist, English Learner Programs	ABC Unified School District
Lazo-Nakamoto	Sharon	Program Specialist	Long Beach Unified School District
Lezama	Silvia	District – English Learner Programs/ Curriculum & Instruction K-8 Teacher on Special Assignment	Montebello Unified School District
McGrath	Melanie	Coordinator K-12	San Bernardino City Unified School District
O'Brien	Gisela	EL Specialist K-12	Los Angeles Unified School District
Padilla	Claudia	Teacher/ELD site Coordinator	William S. hart Union High School District
Petitt	Cynthia	Assessment and Evaluation Analyst	Anaheim Union High School District
Pickering	Alison	Specialist	Los Angeles Unified School District
Ramos	Lorena	Curriculum Coordinator	Para Los Niños Charter Elementary/Middle School
Rubinstein	Silvina	Title III COE Lead	Los Angeles County Office of Education
Villegas	Allyson	Teacher, English Language Development	Desert Sands Charter High School
Meeting Location: Sacramento (CDE), 15 participants			
Elliott	Ludmila	Coordinator of Instructional Programs	Yuba City Unified School District
Finney-Ellison	Jennifer	English Learner Instructional Coach	Elk Grove Unified School District
Gallegos	Carol	Literacy Coach serving K-8	Hanford Elementary School District
Gonzalez	Laura	Instructional Consultant	Tulare County Office of Education
Johnson	Jennifer	Director of Curriculum, Instruction, and Assessment	Arvin Union School District
Koch	Crista	English Learner Program Specialist	Milpitas Unified School District
Linn-Nieves	Karin	Coordinator, Multilingual Education	San Joaquin County Office of Education
McColley	Christina	English Learner Instructional Coach (K-12)	Elk Grove Unified School District
Nicholls	Kris	Title III Co-Lead, BTTP Director, Instructional Services Coordinator	Riverside County Office of Education
Ochoa	Iris	Director, English Learner Program, K-12	Santa Rosa City Schools

Thiesen	Barbara	Director of Instructional Services	Dinuba Unified School District
Thomas	Andrea	Professional Developer/ English Learner Specialist K-6	Davis Joint Unified School District
Tovar	Janae	Coordinator of English Learner Services	Roseville City School District
Ulmer	Elizabeth	ELD Teacher and Coordinator K-8	Rescue Union School District
Wilbert	Villalta	First Grade Teacher	Elk Grove Unified School District
Meeting Location: San Diego COE, 15 participants			
Chandley	Laurie	ELD Program Specialist K-12	Torrance Unified School District
Eaton	Erlinda	Teacher (9-12 ELD	Brawley Union High School District
Goldman	Julie	Coordinator – English Learner and Support Services	San Diego County Office of Education/ WRITE Institute
Gonzalez	Francisco	Teacher on Special Assignment	Lake Elsinore Unified School District
Jackson	Felicia	K-8 ELA/ELD Administrative Literacy Coach	The Accelerated School (TAS)
Lange	Lianne	8–12 Language Arts	All Tribes American Indian Charter School
Libatique	Cristina	English Learner Coordinator K-8/ ELD Teacher K-5	Lakeside Union School District
Luna	Inelda	Teacher – 7/8 Grade Language Arts	Fallbrook Union Elementary School District
Martinez	Stephenie	Lead Teacher-40% Intervention teacher 4-6 and 60% administration	Fallbrook Union Elementary School District
McMillan	Kelli	Resource Teacher, Office of Language Acquisition, 6-8	San Diego Unified School District
Querubin-Villareal	Abigail	Teacher-on-Assignment	Fontana Unified School District
Rothenberg	Carol	Resource Teacher	San Diego Unified School District
Segovia	Merianne	Support Provider-BTSA Program	Chaffey Joint Union High School District
Snider	Suzanne	Literacy Specialist	San Bernardino County Superintendent of Schools
Thompson	Maria De Jesus	Teachers; grades 9-12	Sweetwater Union High School District
Meeting Location: Ventura COE, 19 participants			
Aguirre	Sandra	Teacher on Special Assignment: ELD Coach	Richland School District
Calderon	Vanessa	English Learner Resource Teacher	Oxnard Union High School District
DeVillers	Kristal	District Curriculum, Instruction, & Assessment Resource Teacher	Ocean View School District
Edds	Holly	Assistant Superintendent, Educational Services	Orcutt Union School District

Fox	Aracely	Teacher On Special Assignment K-6, English Learner Services	Oxnard School District
Franco	Amber	English Language Development Teacher/ Coordinator	Wiseburn School District
Guerra	Charice	Curriculum Specialist II	Ventura County Office of Education
Larios-Horton	Maria	Director, English Learner Support Services	Santa Barbara County Education Office
Lee	Echo	TOSA Instructional Support and Professional Development for teachers of English Learners	Rio School District
Mehochko	Carol	Administrator, English Language Learner Services	Bakersfield City School District
Nunez	Teresa	District Bilingual & ELD Teacher Specialist	Ventura Unified School District
Ortega	Veronica	Assistant Principal, grades 6-8	Pleasant Valley School District
Ramirez	Georgina	Coordinator of Migrant and ASPIRE	Santa Paula Elementary School District
Randolph	Angela	Director of Special Projects	Rio Elementary School District
Stallones	Janis	Teacher on Assignment for Secondary Language Arts	Corona Norco Unified School District
Turner	Marcia	Assistant Superintendent, Educational Services	Ocean View School District
Vega-Iñiguez	Teresa	Teacher (Grades 10, 11, 12) and Program Coordinator	Grizzly Challenge Charter School
Weir	Jennifer	Special Populations Student Support Coordinator	Fillmore Unified School District
Zuniga	Armando	ELD/RLA Specialist (K-12)	Ventura Co. Office of Education

AB 124 English Language Development Standards

Focus Group Meeting Agenda

The purpose of this meeting is to convene the invited members of the English Language Development (ELD) Standards Focus Groups to provide input on the revision of the ELD Standards for California Public Schools, Kindergarten through Grade Twelve.

Agenda

Time	Event
4:00 – 4:05	Welcome and Introductions
4:05 – 4:10	AB 124 Introduction Discussion Purpose and Overview
4:10 – 4:40	Group Discussion- Part I- Structure and Organization of ELD Standards
4:40 – 5:20	Group Discussion- Part 2- Granularity and Focus of ELD Content
5:20 – 5:30	Break
5:30 – 5:55	Public Comment
5:55 – 6:00	Next steps

AB 124 English Language Development Standards

Focus Group Meeting Questions

Group Discussion Part I
Structure and Organization

1. You have had an opportunity to review various state English Language Development (ELD) standards. Please reflect for a moment on your likes and dislikes regarding their structure and organization; levels of specificity; and their relationship to subject matter standards. Why do you have these preferences?

2. What do you think should be the relationship between ELD and subject matter standards?

Group Discussion Part 2
Granularity and ELD Content

Based on the various state standards you have reviewed, we have several questions to pose. We will spend 10 minutes on each one.

1. What level of specificity in the ELD standards would best inform classroom instruction, including delivering the curriculum and engaging in immediate formative assessment?

2. What information (examples, characteristics, and guiding principles) in the ELD standards would best help teachers to *make appropriate distinctions between* ELD and subject matter knowledge, skills, and abilities?

3. What information would best help teachers to *effectively integrate* ELD and subject matter knowledge, skills, and abilities to support student learning and achievement?

Focus Group Results for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve*

February 14, 2012
Sacramento California Department of Education Focus Group

Part I- Likes and Dislikes

Arizona

Likes:

- Alignment document
- Performance Level Descriptors (PLDs)
- Clear-how language is used
- Language strands-grade span-1st
- Forms/Function; horizontal progression and vertical alignment; alignment to Common Core State Standards (CCSS)

Dislikes:

- Too long
- Stage-grade level
- Phonemic awareness/concepts about print at secondary level

World-Class Instructional Design and Assessment (WIDA)

Likes:

- Readability-user friendly
- Social/academic language
- Discourse complexity models

Dislikes:

- Inclusion of content standards-EL students not always taking these courses
- Too few standards

Kansas

Likes:

- Secondary level-would work best
- Format-Similar to current and closest to CCSS

Dislikes:

- Not rigorous enough

California

Likes:

- None

Dislikes:

- Not user friendly for content standards

Part II-Granularity and Focus

Relationship: English Language Development (ELD) and Content

- Connection through functions/examples
- WIDA: Simplicity
- Arizona: provides content standards applicable to ELD standards
- Explicit/specific standards that apply to language demands of content areas
- Topical vocab (WIDA)

Information to make distinctions between ELD and content knowledge, skills, abilities

- Distinction between K-6, 7-12 in terms of explicitness (for example: 7-12 more support with teaching reading and K-6 with language development)

- Publication-good distinction between Specially Designed Academic Instruction in English (SDAIE) and ELD

- Expectations for publishers: What does ELD curriculum look like?

- Difference between ELD and ELA

Level of Specificity: Inform classroom instruction

- Topical vocabulary: reminds teachers of importance of academic language
- Grade level spans: horizontal/vertical alignment
- More specificity: developmental/language progressions
- List, describe, describe process, etc.: more clear in terms of language demands than limited, basic, some, etc.
- Not focus on measurement
- Tool to identify target to move students from one level to the next
- Need clear expectations of grammatical structures
- Appendix
- What's appropriate: ELD versus language support
- PLDs
- Appropriate speaking standards (explicit)

Information to effectively integrate ELD and content knowledge, skills, and abilities

- Effective Professional Development: Language development
- Specify language structures needed at each grade level K-6, 7-12
- Emphasize speaking: correlate to CCSS
- Separate doc to define and create parameters of ELD instruction
- Are these benchmarks or instructional tools?
- Teacher prep to teach ELD: lacking
- Need immediate feedback to guide instruction not just California English Language Development Test (CELDT) level
- Glossary of Terms
- Appendices: language functions
- ELA–K-5; 6-12

Part III-Grade Span Survey Results-Sacramento Focus Group

Current California Grade Spans	CDE Proposed Grade Spans	Other 1	Other 2	Other 3	Other 4
K-2 3-5 6-8 9-12	K 1-2 3-5 6-8 9-12	Per Grade	K 1 2-3 4-5 6-8 9-12	K-6 7-12	K 1-2 3-5 6-12
1	14	1	1	2	1

February 16, 2012
Ventura County Office of Education Focus Group

Part I- Likes and Dislikes

Arizona

Likes:

- Specificity/Explicit language
- Speaking components
- Layout
- Highest level is high intermediate
- Labeling i.e., A1-9 is useful for identifying standards for lesson planning, etc.
- Language progression
- Specificity of grammar at High Int. level

Dislikes:

- Need to be more practical, useful, accessible
- There is a risk that ELD would become skills-based i.e., grammar-focused and lose oral discourse
- Not user-friendly

WIDA

Likes:

- Connection to content standards to support content area teachers to teach English learners (ELs)
- Color coding –was mentioned several times as a key for teacher use and friendliness
- Speaking section–what it looks like in different settings/content areas
- Easy-to-understand layout
- Facilitates progress monitoring
- Grade level specific

- Amplified matrix good tool
- Utilizes sentence frames
- Support for writing language objectives, cognitive functions (i.e., Bloom's taxonomy)

Dislikes:

- Examples too specific, need a more general component
- Language form–the progression not consistent
- Although language specific, doesn't provide progression of language
- Tends to favor content over language
- Difficult to plan own lesson, visualize what instruction would look like

Kansas

Likes:

- Instructional Support Specificity
- Speaking specific to personal/academic settings, and provides a tool for student output, not just input
- Specific strand for conversation
- Organizational layout
- Developmentally appropriate
- Progression of verbs—high expectation
- High expectation
- Grade level specific

Dislikes:

- Get lost in nuances (difficult for teachers to know what is needed to get to the next level)

- Lacks depth/breadth
- Support description sketchy
- 6-12 grade span impossible

California

Likes:

- Names for levels

Dislikes:

- Lack of specificity in language functions (high school students, Long Term English learners (LTELs) and other specific supports)
- 3-5 too big of a gap in grade levels
- Vocabulary is not addressed
- It is difficult to pinpoint what needs to be worked on (e.g. Lack of speaking specificity; Lack of grammar specificity. Too general/vague)
- Layout
- Not enough support for newcomers

The idea of ELD and Content was addressed, but more within the discussion in part II below. The overall take away was that there needs to be specific ELD functions related to the content area expectations – however this group did not make specific recommendations on “how” this could be addressed.

Part II-Granularity and Focus

Level of Specificity: Inform classroom instruction

- Need emphasis on academic language of common core
- Need grade level standards because there is a discrepancy between assessment versus grade level spans
- How can ELD standards inform the curriculum if there are no state adopted ELD textbooks or framework to inform the instructional component

- Examples, specificity, ideas, forms, functions will help teachers, especially those who do not have the same training as ELD specialists

- Susana Dutro's EL Achieve emerged from a need for specificity. This is a good model

- Need very tight specificity on writing

- Need scope and sequence

- Assessments need to be embedded in scope and sequence and not just "checked off". Remember the language is fluid, and students need to move along that band

- Teachers need to know beginning and end point (vocabulary/grammar, sentences, etc.)

- Audience is teachers who do not know what to teach at different times of the day. Need a document that delineates ELD from content areas and how ELD should look

Information to make distinctions between ELD and content knowledge, skills, abilities

- Giving teachers tools will help them know how to use the standards

- Organization and knowing the progression

- Need ELD, not ELA focus. Not all teachers have a Master's degree in Teachers of English to Speakers of Other Languages (TESOL) Teachers need a document with guidance and examples i.e., forms/functions, systematic grammar

- Need balance—not grammar based, rather grammar in context. Separate content and language but apply same skill across content. Can the student apply the language skill across content areas? That's what the assessment should show

- What if the strand drove a framework for ELD, which would drive what publishers produce? We need a framework.

- The Kansas appendix p. 204-206 content standards is a very good picture

- The new standards must be clear on oral discussion

- Other content areas need to engage students in speaking

Information to effectively integrate ELD and content knowledge, skills, and abilities

- Need ELD to support content but ELD needs to be separate
- Oral language very important and is not used enough in classrooms; oral language development needs to be embedded in the standards
- Need extra support for non-literate
- Specificity important, such as Susana Dutro's matrix
- Oral discussion (i.e., Kinsella's frames for specificity)
- Students need social graces (greet, apologize, etc.)
- Oral language and academic vocabulary
- ELD standards by grade level
- Seamless integration of CCSS
- Need balanced approach of language.

Comments/Requests not fitting into the above information

- Folks want generic document for ELD and a second part with content and language form
- Need a detailed scope and sequence
- WIDA need overlay 2-phase in regards to language and content
- If content is included, needs to make a clear distinction between content and ELD

Part III-Grade Span Survey Results- Ventura Focus Group

Current CA Grade Spans	CDE Proposed Grade Spans	Other 1	Other 2	Other 3	Other 4	Other 5	Other 6	Other 7	Other 8
K-2 3-5 6-8 9-12	K 1-2 3-5 6-8 9-12	Per Grade	K-1 2-3 4-5 6-8 9-12	K, 1-2, 3-4, 5-6, 7-8, 9-12	K, 1, 2, 3, 4-5, 6-8, 9-12	1. New-comer: K-2, 3-5, 6-12, 2. Other students by grade level	K, 1, 2, 3 4, 5, 6-8, 9-12	By grade level or proposed grade spans with support for individual grade levels	Some overarching transferrable standards **by grade spans**, and some specific to grade level and developmental level
0	9	9	1	1	1	1	1	1	1

February 21, 2012
Alameda County Office of Education Focus Group

Part I- Structure and Organization

Likes and Dislikes

Arizona

Likes:

- Numeration or number indicators

Dislikes:

- Standards deconstruct language skills, but do not flow cohesively as related to language acquisition
- Proficiency level descriptors inconsistent with CELDT
- Not user-friendly; too big
- Need more or description or “meat” to the standards
- Not clear or self-explanatory. Too much interpretation necessary between low and high intermediate levels. Need a lot of professional development
- Too ambitious

WIDA

Likes:

- Progression
- Information by domain
- Color Coding
- Glossary
- Resources; makes it functional for teachers
- Organization
- Connection to the Common Core State standards
- User friendly (forms and functions, overall layout, and the domains on the side)
- Level 6
- Present information by domain and different proficiency levels
- Amplified strand for content areas and sample task

Dislikes:

- Proficiency levels completely different “language” when describing language acquisition levels
- Performance definitions are time intensive and unrealistic to measure
- Weak connection to the Common Core State Standards

Kansas

Likes:

- Concise language to follow and clear vocabulary levels
- Includes the best way of scaffolding instruction
- Provides thorough appendices
- Connection to the ELA Common Core State standards
- Overview of the domains is easy to follow and is concise
- Domains are cohesive and related to language acquisition
- Overview clearly delineates and outlines curricular standards
- Progression (horizontal to advance). Having standards listed by proficiency levels, lets you see a clear progression
- Specificity, in particular at the intermediate level
- Very similar to the Common Core State Standards
- Includes all four domains
- Structure-separate K standards, fourth and fifth cluster
- Focus on forms and functions
- Specificity of the grammar and language structures (i.e. using sentence frames similar to WestEd document)
- Overall layout is user friendly (ex. Domains on the side)

- Proficiency levels are consistent with CELDT levels

- Cohesive continuum. K-12 layout shows how skills advance along the continuum

Dislikes:

- Would like more specificity in the description of the support
- Need more emphasis in academic information
- 6-12 grade span too big
- Need more examples- unpack the standards

California

Likes:

- Standards can be used as a rubric
- WestEd alignment supporting document very helpful
- 9-12 grade span

Dislikes:

- Lack of specificity in language functions (LTELS and other specific supports)
- Too general/vague It's difficult to pinpoint what needs to be worked on (e.g. lack of grammar specificity)

Relationship between ELD and subject matter standards

- Need clear examples to know how to merge ELD and ELA standards

- Wording (levels) needs to match between ELD, California Standardized Tests (CSTs), and CELDT. Need consistent and common language across assessment, content, and ELD

- ELD standards need to be specific

- Stages of language acquisition must be clear

- Connection with ELA standards must be clear. Need to clarify the purpose of the ELD standards for teachers in order for teachers to focus on ELD and not on ELA

- ELD standards should not only be considered an on ramp to ELA because there will be a gap, grammar will be missing

Part II-Granularity and Focus

Level of Specificity: Inform classroom instruction

- Need emphasis on speaking, writing, and grammar
- Examples in ELD standards should be strictly ELD, not content
- Need connections to the CCSS, for example, include sample tasks in the content areas
- Conduct a correlation between CCSS and ELD standards to see where there are gaps
- Make a clear distinction between ELD and content
- Professional development for teachers that focuses on grammatical forms
- Professional development in formative assessments

Information to make distinctions between ELD and content knowledge, skills, abilities

- There should be distinction of the needs of students at each level, however, do not have to provide the same thing at each level (i.e. emphasis on reading and writing at intermediate level for LTELs)
- Need to address specific needs of LTELs and newcomers
- Emphasis speaking and writing
- Stress to teachers that during ELD, focus on proficiency level and in academic content focus on grade level
- Clear distinction between ELD and ELA
- Emphasis on language structures in order to do the functions
- In an appendix, include description of basic language progression

Information to effectively integrate ELD and content knowledge, skills, and abilities

- Need more targeted professional development (i.e. information on the difference between Basic Interpersonal Communication Skills [BICS] and Cognitive Academic Language Proficiency [CALP])
- Need to have discussions with all teachers, including content are teachers, in order to better support ELs at all levels. Make clear to teachers what ELD is
- Emphasis on academic language in order to address the needs of LTELs
- Teachers need to understand the ELD standards and the different levels in order to provide ELs with access to the core curriculum
- Need more time on productive skills
- ELD needs to be integrated into the content areas, but there needs to be a distinction in order to provide access to ELs
- Includes indicators and objectives so it can be measured
- Include prerequisite and topic vocabulary in core instruction
- Have guidelines for dual language instruction

Comments/Requests not fitting into the above information:

- Need to address how the standards will be assessed
- Need to consider ELs in Special Education. Need information in an appendix on how to design goals
- In an appendix include guidelines for an effective ELD program, stages of language acquisition, examples, ideas on how to group ELs
- ELD standards should be as concise as possible

Part III-Grade Span Survey Results- Alameda Focus Group

Current CA Grade Spans	CDE Proposed Grade Spans	Other 1	Other 2	Other 3	Other 4
K-2 3-5 6-8 9-12	K 1-2 3-5 6-8 9-12	K 1 2-3 4-5 6-8 9-12	Tran. K-K, 1-2, 3-5, 6-8, 9-12	K 1 2 3 4-5 6-8 9-12	Pre-K K 1-2 3-4 5-6 7-9 10-12
1	23	1	2	1	1

February 22, 2012
Los Angeles County Office of Education Focus Group

Part I- Likes and Dislikes

Arizona

Likes:

- Language strand
- Color coding
- Listening/Speaking and Reading/Writing together
- Linked well with ELA
- Clear standards to base levels on
- Appendices/glossary

Dislikes:

- Too cumbersome, especially for content teachers

WIDA

Likes:

- Naming of proficiency levels
- Organized by grade level
- Color Coding
- Tutorial on Web
- Content standards
- Discourse complexity
- Language functions
- Example of expectations
- Across subjects
- Inclusion of primary language
- Teacher friendly
- CCSS stated before ELD standard that correlates

Dislikes:

- Topical vocab too general
- Lack of clear progression (from grade to grade)
- Too generalized

Kansas

Likes:

- Looks to where students should be going
- Pre-K included
- Organized by grade/domain
- Written language
- Speaking includes section on conversation

Dislikes:

- Too generalized
- Lack of language production

California

Likes:

- None

Dislikes:

- K-2 span too broad
- Need to align to CELDT
- Use of word “appropriate” not specific enough
- Need clear distinction of ELD definition
- Need clear distinction of LTEL definition

Part II-Granularity and Focus

Relationship: ELD and Content

- Clear purpose: differentiate ELA
- Arizona’s templates good for content teachers
- Academic vocabulary/speaking is infused
- Explicitly state expectations in standards for content areas
- Grade spans (K-2; 3-5) difficult to target student needs
- Infuse ELD standards with CCSS (one document) for ease of use

Level of Specificity: Inform classroom instruction

- Need clear PLDs
- Rigor should be even across grades
- Common academic vocabulary based on CSTs/ California High School Exit Examination (CAHSEE)
- CCSS exemplars: use as model for ELD standards
- WIDA: context for language use/discourse complexity critical
- How will this document be both instructional and progress monitoring tools? Where/how will we document/monitor student progress based on ELD standards?
- Expectations should be so specific they could be observable (have they met it? yes/no). Arizona is a good example of this

Information to make distinctions between ELD and content knowledge, skills, abilities

- PLDs need to be very explicit and connection to core content must be explicit
- Must be directly aligned to CCSS (not a separate document)
- For content areas: proficiency levels horizontally across the top and domains vertical per grade level per standard
- Focus on language functions within content areas; teachers need examples
- Clear distinction between content/systematic ELD
- Grade span grouping makes teaching ELD difficult
- Backwards mapping
- Look at horizontally to ensure as students progress, the standards still focus on the same skill: adding complexity with each level; not changing skills
- Focus on CST syntax: questioning

Information to effectively integrate ELD and content knowledge, skills, and abilities

- Balance among domains
- Specific/measurable
- Make it rigorous from beginning to advanced
- Maintain individual student needs
- Higher order thinking skills
- Need exemplars to get ideas
- Social/cultural
- Listening/speaking: Productive language vital
- Appendix to help teachers write language objectives
- What are the linguistic needs to master the CCSS?
- Align to non-fiction writing

Part III-Grade Span Survey Results- Los Angeles Focus Group

Current CA Grade Spans	CDE Proposed Grade Spans	Other 1	Other 2	Other 3	Other 4	Other 5	Other 6
K-2 3-5 6-8 9-12	K 1-2 3-5 6-8 9-12	Per Grade	K 1 2 3 4 5 6 7 8 9-12 6-12 ELD in Content	K-1 2-3 4-5 6-8 9-10 11-12	K 1 2 3 4 5 6-8 9-12	Per Grade plus PK	PK K 1-2 3-5 6-8 9-12
0	12	8	1	1	1	1	1

February 22, 2012
San Diego County Office of Education Focus Group

Part I- Likes and Dislikes

Arizona

Likes:

- Pointed out language functions within content

Dislikes:

- Language strand too large
- Too overwhelming
- Stages confusing

WIDA

Likes:

- Companion to CCSS
- Content, language, strategy support
- Closely tied to math, social science, and science
- Discourse complexity
- Language function
- Structure/organization; color coding: User friendly
- Capitalize language function/form within the standards
- Cognitive function
- Common core relationship well defined-explicit

Dislikes:

- Not enough standards
- Lacking examples
- Stages confusing

Kansas

Likes:

- Good definition of standards for teachers
- Pre K included

Dislikes:

- Not enough differentiation among proficiency levels

California

Likes:

- Simple, basic, easy to read
- Pathway to ELA
- Differentiated language
- Examples
- WestEd/CA Map of Standards

Dislikes:

- Kindergarten should be separate
- Examples related to subject matter are too vague
- Do not differentiate between language and literacy
- Not helpful for content teachers
- No differentiation between newcomers/LTELs
- CELDT not on par with CST
- Need mandated ELD at State level
- Need more language objectives in content lessons
- Lacks transition/progression of proficiency levels
- Lacks rigor
- Lack of technology in standards
- 9-12 grouping is too large a span
- Non-specific; difficult to follow
- Need only one document (ELD/CCSS together)
- Need stronger focus on oral language
- Teachers need specialized training during teacher prep
- Need to include metacognition skills

Part II-Granularity and Focus

Relationship: ELD and Content

- Should be aligned in terms of assessment: teachers (content) need to be able to develop formative assessments from standards

- Need to be able to transform to fit content areas

- Professional development: support to address need to provide instruction in terms of Language needed to access content

- Professional development: language is more than vocabulary

- Professional development: how to write language objectives: Need to provide examples within ELD standards for content teachers

- Align to CCSS: skills based on proficiency level

Level of Specificity: Inform classroom instruction

- Must be rigorous; not watered down-especially at upper grade levels
- Must be specific or will be ignored by teachers and publishers
- Specific especially at proficiency levels 1-3
- Needs to be specific enough for progress monitoring: for both teachers and students

Information to make distinctions between ELD and content knowledge, skills, abilities

- PLDs need to be very explicit
- Professional development: ELD block not the same as support in content classes
- Mandated ELD time
- 30 minutes ELD time not enough

Information to effectively integrate ELD and content knowledge, skills, and abilities

- Need to be specific enough, with sufficient examples for content teachers
- Continuous Professional development: Language skills needed to access content

What Didn't We Ask?:

- Publishers paraphrase standards when not specific enough
- Use of L1
- Provide tutorials, webinars, etc. to show "how" to use the standards

Part III-Grade Span Survey Results- San Diego Focus Group

Current CA Grade Spans	CDE Proposed Grade Spans	Other 1	Other 2	Other 3	Other 4	Other 5	Other 6	Other 7	Other 8	Other 9	Other 10
K-2 3-5 6-8 9-12	K 1-2 3-5 6-8 9-12	Per Grade	K 1-2 3-4 5-6 7-8 9-10 11-12	PK K 1-2 3-4 5-6 7-8 9-10 11-12	PK-K 1 2 3-5 6-8 9-12	PK K 1-2 3 4-5 6-8 9-10 11-12	PK K 1-2 3-5 6-8 9-10 11-12	PK K 1-2 3-5 6-8 9-12	PK K 1 2 3-5 6-8 9-12	K 1-2 3-5 6-8 9-10 11-12	K 1 2 3 4 5 6-8 9-12
1	10	1	1	1	1	1	2	1	1	1	1

Panel of Experts and Alternates for the Revision of the *English Language Development Standards for California Public Schools, Kindergarten Through Grade Twelve*.

Last	First	Employer
Alfaro	Cristina	San Diego State University
Bhatia	Leticia	Sonoma Valley Unified School District
Cervera	Constance	Oxnard High School
Diaz	Lizette	Ontario-Montclair School District
Dorta-Duque de Reyes	Silvia	San Diego County Office of Education
Duran	Richard	University of California, Santa Barbara
Elliott	Ludmila	Yuba City Unified School District
Escobar	Marta	Kern County Superintendent of Schools
Fralicks	Elizabeth	Fresno Unified School District
García	Ana	San Francisco Unified School District
Gonzalez	Laura	Tulare County Office of Education
Hakuta	Kenji	Stanford University
Lavadenz	Magaly	Loyola Marymount University
Merino	Barbara	University of California, Davis
O'Brien	Gisela	Los Angeles Unified School District
Rodriguez	Keila	Imperial County Office of Education
Rodriguez	Maritza	Riverside County Office of Education
Ruz Gonzalez	Magdalena	Los Angeles County Office of Education
Santos	Maria	Oakland Unified School District
Shiels	Socorro	Morgan Hill Unified School District
Tsai	Emily	Monterey Peninsula Unified School District

Alternate (6)

Balderama	Maria	California State University, San Bernardino
Rodriguez-Valis	Fernando	San Diego State University
Choi	Vivian	Tustin Unified School District
Jones	Adela	Sanger Unified School District
Annous	Jinane	Hemet Unified School District
Folger	Tatyana	Delano Joint Union High School District

Assembly Bill 124 English Language Development Standards Panel of Experts Meeting Notice

March 19, 2012, 9 a.m. to 4 p.m.

California Department of Education
1430 N Street, Suite 1101
Sacramento, CA 95814

The purpose of this meeting is to convene the members of the English Language Development (ELD) Panel of Experts to provide input on the revision of the ELD Standards for California Public Schools, Kindergarten through Grade Twelve.

Agenda

Time	Event
9:00 – 9:20	Welcome and Introductions
9:20 – 9:35	Assembly Bill 124 Introduction : Discussion, Purpose, and Overview
9:35 – 9:55	ELD Standards Development Efforts
9:55 – 10:30	Report on Focus Group Feedback
10:30 – 10:45	Break
10:45 – 11:30	Research and Practice for ELD Standards Development
11:30 – 12:30	Lunch
12:30 – 2:00	• General Design Principles • Levels, Structure, and Organization of the Standards • Granularity and Focus of ELD Standards and Correspondence to the Common Core State Standards • Academic Language
2:00 – 2:15	Break
2:15 – 4:00	• General Design Principles • Levels, Structure, and Organization of the Standards • Granularity and Focus of ELD Standards and Correspondence to the Common Core State Standards • Academic Language

ALL TIMES ARE APPROXIMATE AND ARE PROVIDED FOR CONVENIENCE ONLY.

THE ORDER OF BUSINESS MAY BE CHANGED WITHOUT NOTICE.

REASONABLE ACCOMMODATIONS WILL BE PROVIDED FOR ANY INDIVIDUAL WITH A DISABILITY.

SPANISH INTERPRETATION WILL BE PROVIDED UPON REQUEST.

AMERICAN SIGN LANGUAGE SUPPORT IS AVAILABLE UPON REQUEST.

Pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, any individual with a disability who requires reasonable accommodation to attend or participate in this meeting may contact Michele Anberg-Espinosa, Bilingual/Migrant Education Consultant, by phone at 916-323-4872 or by e-mail at manbergespinosa@cde.ca.gov.

This agenda is posted on the English Language Development Standards Web page at http://www.cde.ca.gov/sp/el/er/eldstandards.asp.

For more information, please contact Michele Anberg-Espinosa, Bilingual/Migrant Education Consultant, Language Policy and Leadership Office, by phone at 916-323-4872 or by e-mail at manbergespinosa@cde.ca.gov.

Resources

Assembly Bill No. 124
http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_124_bill_20111008_chaptered.pdf

Current California English-Language Development Standards
http://www.cde.ca.gov/be/st/ss/documents/englangdevstnd.pdf

Arizona English Language Proficiency Standards (aligned to the Common Core Standards)
http://www.azed.gov/english-language-learners/elps/

Kansas Curricular Standards for English for Speakers of Other Languages (aligned to the Common Core Standards)
http://www.ksde.org/Default.aspx?tabid=4694

World Class Instructional Design and Assessment (WIDA) English Language Proficiency Standards (aligned to the Common Core Standards)
http://www.wida.us/standards/elp.aspx

Visitor Information

Check-in

The California Department of Education (CDE) Headquarters is a secure building. Visitors must check-in at the guard station as they enter the building and sign in to receive a temporary badge. The guard will contact the appropriate CDE staff to escort the visitor through the building. Visitors are encouraged to make appointments with staff before visiting the Headquarters building.

Parking

Visitor parking is available in State Parking Lot 14, which is located at 1517 13th Street (between 13th and 14th Streets). The entrance to the parking structure is on 13th Street. There are approximately 80 rooftop spaces that have been identified for our visitors to use. Parking hours are from 6:00 a.m. to 7:00 p.m. and include a parking attendant on site.

The City of Sacramento Off-street Parking Web page (Outside Source) provides information about parking garages in the downtown area.
On-street metered parking is available around the Headquarters building. Information regarding on-street parking options can be found on the City of Sacramento Parking Services Web site (Outside Source).

Public Transportation

There are various public transit options to travel to Headquarters, including a nearby light rail station. Information regarding bus and light rail schedules is available on the Sacramento Regional Transit District Web site (Outside Source).

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Reauthorization of the Statewide Pupil Assessment System: Update for the State Superintendent of Public Instruction Recommendations.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

Assembly Bill (AB) 250 (Chapter 608, Statutes of 2011) requires the State Superintendent of Public Instruction (SSPI) to develop recommendations, including a plan to transition to a new system, for the reauthorization of the statewide pupil assessment system. The legislation requires that the SSPI consult with the State Board of Education (SBE) as well as specific stakeholders, in developing the SSPI recommendations and requires that the recommendations consider 16 specific areas outlined in statute. This agenda item is the third in a series of regular updates to the SBE to gather feedback from SBE members as well as the public. The first AB 250 advisory committee meeting was held March 21-21, 2012. See Attachment 2 for the meeting agenda. See Attachments 3 through 8 for materials presented at the March meeting. See Attachment 9 for a list of AB 250 Work Group Members. A summary of discussions from the March and April 2012 advisory committee meetings and the other public meetings will be provided as an Item Addendum.

RECOMMENDATION

The CDE recommends that the SBE engage in continued discussion regarding the reauthorization of the statewide pupil assessment system.

BRIEF HISTORY OF KEY ISSUES

AB 250 modified California *Education Code* (*EC*) Section 60604.5 to clarify the legislative intent that the reauthorization of the statewide pupil assessment system conform to assessment requirements of any reauthorization of the Elementary and Secondary Education Act (ESEA) or any other federal law that effectively replaces ESEA and that at least 85 percent of the academic content standards shall be the common core state standards (CCSS). See Attachment 1 for the text of the *EC* sections referred to in this item.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The law requires the SSPI to develop recommendations for the reauthorization of the statewide pupil assessment program, which includes a plan for transitioning to a system of high-quality assessments as defined in *EC* Section 60603. While the law specifically addresses the current Standardized Testing and Reporting (STAR) Program; the CDE believes it is appropriate to consider other current California statewide assessments, including, but not limited to, the Early Assessment Program (EAP) that utilizes specific STAR assessments, the California English Language Development Test (CELDT), and the California High School Exit Examination (CAHSEE). AB 250 also requires that the SSPI's recommendations be presented to the fiscal and appropriate policy committees of the Legislature by November 1, 2012.

March 2012: At their March meeting, the SBE received an update regarding the selection of the AB 250 Advisory Committee members and dates and locations for the advisory committee meetings and other public meetings.

January 2012: The requirements pursuant to *EC* 60604.5 to develop the SSPI's recommendations, including a plan for transition, for the reauthorization of the statewide pupil assessment system and proposed activities were provided to the SBE.

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

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

FISCAL ANALYSIS (AS APPROPRIATE)

AB 250 requires the CDE to use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and any other available state and federal funds, to implement the act.

ATTACHMENT(S)

Attachment 1: Relevant California *Education Code* Sections (5 Pages)

Attachment 2: Copy of the AB 250 Advisory Committee Meeting Agenda for March 21-22, 2012 (1 page). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/ab250agda32112.asp. A copy of the AB 250 Advisory Committee Meeting Agenda for March 21-22, 2012 is also available for viewing at the State Board of Education Office.

ATTACHMENT(S) (cont.)

Attachment 3: Copy of the ESEA Update presentation from the March 2012 AB 250 Advisory Committee meeting (6 pages). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/documents/ab250feseaac312.pdf. A copy of the ESEA Update presentation is also available for viewing at the State Board of Education Office.

Attachment 4: Copy of the California's Current Assessment System presentation from the March 2012 AB 250 Advisory Committee meeting (33 pages). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/documents/ab250fassyov312.pdf. A copy of the California's Current Assessment System presentation is also available for viewing at the State Board of Education Office.

Attachment 5: Copy of the Transitioning to New Assessments presentation from the March 2012 AB 250 Advisory Committee meeting (18 pages). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/documents/ab250fatov312.pdf. A copy of the Transitioning to New Assessments presentation is also available for viewing at the State Board of Education Office.

Attachment 6: Copy of the Assembly Bill 250 presentation from the March 2012 AB 250 Advisory Committee meeting (20 pages). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/documents/ab250fabover12.pdf. A copy of the Assembly Bill 250 presentation is also available for viewing at the State Board of Education Office.

Attachment 7: Copy of the Update on the Next Generation Science Standards presentation from the March 2012 AB 250 Advisory Committee meeting (9 pages). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/documents/ab250ngssu.pdf. A copy of the Update on the Next Generation Science Standards presentation is also available for viewing at the State Board of Education Office.

Attachment 8: Copy of the English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve presentation from the March 2012 AB 250 Advisory Committee meeting (19 pages). This attachment is available on the CDE Web site at http://www.cde.ca.gov/ta/tg/sa/documents/ab250eldsu.pdf. A copy of the English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve presentation is also available for viewing at the State Board of Education Office.

Attachment 9: List of Assembly Bill 250 Work Group Members (2 pages)

Attachment 10: Summary of discussions from the 2012 March and April advisory committee meetings and the other public meetings will be provided as an Item Addendum.

Relevant California *Education Code* Sections

60603

(a) "Achievement test" means any standardized test that measures the level of performance that a pupil has achieved in the core curriculum areas.

(b) "Assessment of applied academic skills" means a form of assessment that requires pupils to demonstrate their knowledge of, and ability to apply, academic knowledge and skills in order to solve problems and communicate. It may include, but is not limited to, writing an essay response to a question, conducting an experiment, or constructing a diagram or model. An assessment of applied academic skills may not include assessments of personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(c) "Basic academic skills" means those skills in the subject areas of reading, spelling, written expression, and mathematics that provide the necessary foundation for mastery of more complex intellectual abilities, including the synthesis and application of knowledge.

(d) "Content standards" means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach and all pupils expected to learn in each of the core curriculum areas, at each grade level tested.

(e) "Core curriculum areas" means the areas of reading, writing, mathematics, history-social science, and science.

(f) "Diagnostic assessment" means interim assessments of the current level of achievement of a pupil that serves both of the following purposes:

(1) The identification of particular academic standards or skills a pupil has or has not yet achieved.

(2) The identification of possible reasons that a pupil has not yet achieved particular academic standards or skills.

(g) "Direct writing assessment" means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.

(h) "End of course exam" means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(i) "Formative assessment" means assessment tools and processes that are embedded in instruction and are used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

(j) "High-quality assessment" means an assessment designed to measure a pupil's knowledge of, understanding of, and ability to apply critical concepts through the use of a variety of item types and formats, including, but not limited to, items that allow for open-ended responses and items that require the completion of performance-based tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

(k) "Interim assessment" means an assessment that is given at regular and specified intervals throughout the school year, is designed to evaluate a pupil's knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

(l) "Performance standards" are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(m) "Publisher" means a commercial publisher or any other public or private entity, other than the department, which is able to provide tests or test items that meet the requirements of this chapter.

(n) "Statewide pupil assessment program" means the systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting program under Article 4 (commencing with Section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of Section 60605, required by this chapter in all schools within each school district by means of tests designated by the state board.

60604.5

(a) It is the intent of the Legislature that the reauthorization of the statewide pupil assessment program include all of the following:

(1) A plan for transitioning to a system of high-quality assessments.

(2) Alignment with the standards developed pursuant to subdivision (d) of Section 60605.8.

(3) Any common assessments aligned with the standards developed pursuant to subdivision (d) of Section 60605.8.

(4) Conformity to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act or any other federal law that effectively replaces that act.

(b) The Superintendent shall develop recommendations for the reauthorization of the statewide pupil assessment program. The recommendations shall include, but not be limited to, a plan for transitioning to a system of high-quality assessments. The recommendations shall consider including all of the following in the reauthorized assessment system:

(1) Aligning the assessments to the standards adopted or revised pursuant to Section 60605.8.

(2) Implementing and incorporating any common assessments aligned with the common set of standards developed by the Common Core State Standards Initiative consortium or other interstate collaboration in which the state participates.

(3) Conforming to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that effectively replaces that act.

(4) Enabling the valid, reliable, and fair measurement of achievement at a point in time and over time for groups and subgroups of pupils, and for individual pupils.

(5) Allowing the comparison from one year to the next of an individual pupil's scale scores in each content area tested, so as to reflect the growth in that pupil's actual scores over time.

(6) Enabling and including the valid, reliable, and fair measurement of achievement of all pupils, including pupils with disabilities and English learners.

(7) Providing for the assessment of English learners using primary language assessments.

(8) Ensuring that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation.

(9) Incorporating a variety of item types and formats, including, but not limited to, open-ended responses and performance-based tasks.

(10) Generating multiple measures of pupil achievement, which, when combined with other measures, can be used to determine the effectiveness of instruction and the extent of learning.

(11) Including the assessment of science and history-social science in all grade levels at or above grade 4.

(12) Assessing a pupil's understanding of and ability to use the technology necessary for success in the 21st century classroom and workplace.

(13) Providing for both formative and interim assessments, as those terms are defined in this chapter, in order to provide timely feedback for purposes of continually adjusting instruction to improve learning.

(14) Making use of test administration and scoring technologies that will allow the return of test results to parents and teachers as soon as is possible in order to support instructional improvement.

(15) Minimizing testing time while not jeopardizing the validity, reliability, fairness, or instructional usefulness of the assessment results.

(16) Including options for diagnostic assessments for pupils in grade 2.

(c) In developing the recommendations pursuant to this section, the Superintendent shall consult with all of the following:

(1) The state board.

(2) The committee advising the Superintendent on the Academic Performance Index pursuant to subdivision (a) of Section 52052.5.

(3) Measurement experts from California's public and private universities.

(4) Individuals with expertise in assessing pupils with disabilities and English learners.

(5) Teachers, administrators, and governing board members, from California's local educational agencies.

(6) Parents.

(d The Superintendent shall report the recommendations developed pursuant to this section to the fiscal and appropriate policy committees of both houses of the Legislature on or before November 1, 2012.

60605.8

(a) There is hereby established the Academic Content Standards Commission. The commission shall consist of 21 members, appointed as follows:

(1) Eleven members appointed by the Governor.
(2) Five members appointed by the Senate Committee on Rules.
(3) Five members appointed by the Speaker of the Assembly.

(b) Members of the commission shall serve at the pleasure of the appointing authority.

(c) Not less than half of the members appointed by each of the appointing authorities pursuant to subdivision (a) shall be current public school elementary or secondary classroom teachers.

(d) The commission shall develop academic content standards in language arts and mathematics. The standards shall be internationally benchmarked and build toward college and career readiness by the time of high school graduation. Unless otherwise allowed by the Secretary of the United States Department of Education, at least 85 percent of these standards shall be the common core academic standards developed by the consortium or interstate collaboration set forth in Section 60605.7.

(e) Pursuant to the Bagley-Keene Act, Article 9 (commencing with Sec. 11120) of Division 3 of Title 2 of the Government Code, all meetings and hearings of the commission shall be open and available to the public.

(f) On or before July 15, 2010, the commission shall present its recommended academic content standards to the state board.

(g) On or before August 2, 2010, the state board shall do either of the following:

(1) Adopt the academic content standards as proposed by the commission.

(2) Reject the academic content standards as proposed by the commission. If the state board rejects the standards it shall provide a specific written explanation to the Superintendent, the Governor, and the Legislature of the reasons why the proposed standards were rejected.

(h) The Superintendent and state board shall present to the Governor and to the appropriate policy and fiscal committees of the Legislature a schedule and implementation plan for integrating the academic content standards adopted pursuant to this section into the state educational system.

List of Assembly Bill 250 Work Group Members

Text of California *Education Code* Section 60604.5 (c):

(c) In developing the recommendations pursuant to this section,

The Superintendent shall consult with all of the following:

(1) The state board.
(2) The committee advising the Superintendent on the Academic Performance Index pursuant to subdivision (a) of Section 52052.5.
(3) Measurement experts from California's public and private universities.
(4) Individuals with expertise in assessing pupils with disabilities and English learners.
(5) Teachers, administrators, and governing board members, from California's local educational agencies.
(6) Parents.

1. **State Board of Education (SBE):**

   Michael Kirst, President, SBE

2. **Public School Accountability Act (PSAA) Advisory Committee:**

   Ting Sun, PSAA Advisory Member, Natomas Charter School

3. **Measurement experts from California's public and private universities:**

   Mark Wilson, Measurement Expert, Public University, University of California, Berkeley

   TBD, Measurement Expert, Private University

4. **a) Individuals with expertise in assessing pupils with disabilities:**

   Frank Donavan, Director, Greater Anaheim Special Education Local Plan Area

   b) Individuals with expertise in assessing English learners:

   Norm Gold, Education Consultant, Norm Gold Associates, Sacramento, CA

b) Individuals with expertise in assessing English learners (cont):

Martha Hernandez, Director of Curriculum and Instructional Support, Ventura County Office of Education

Magaly Lavadenz, Professor and Director of the Center for Equity for English Learners, Loyola Marymount University

5. a) Teachers:

Tara Nuth, English language arts, Fortuna High School, Arcata, CA

Patricia Sabo, Grade 8 Mathematics, Healdsburg Junior High School, Santa Rosa, CA

Barbara Schulman, Special Education Teacher, Saddleback Valley Unified School District

Blanca Anderson, Grade 4, Red Bluff Union Elementary School, Redding, CA

Jose L. Navarro, History/Social Science, National Board Certified Teacher, 2009 Teacher of the Year, Los Angeles Unified School District

Alastair Inman, Science, Lexington Junior High School, Anaheim Union High School District

b) Administrators:

Linda Kaminski, Assistant Superintendent of Educational Services, Upland Unified School District

Sally Bennett-Schmidt, Assessment Director, San Diego County Office of Education

c) Governing Board Members:

Martha Fluor, Governing Board Member, Newport-Mesa Unified School District

6. Parents:

Cecilia Mansfield, Parent

Kathy Moffat, Parent

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
A Conversation about the Future of Accountability in California, including the Academic Performance Index and the School Accountability Report Card.	☐ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California's accountability system has several components at the state and local levels. State level accountability consists of the Academic Performance Index (API) that was developed in 1999 in response to the Public Schools Accountability Act (PSAA), and the School Accountability Report Card (SARC) requirement contained in Proposition 98. Accountability also exists at the local level in the form of program reviews, and perhaps most notably at the high school level in the form of the Western Association of Schools and Colleges (WASC) review. A comprehensive accountability system in education is a broad concept which should address many different areas. Accountability systems should not only measure how well schools are performing over time, but it should also be transparent and easily understood by the public; provide schools with incentives, opportunities, and strategies to improve the quality of student learning in the classroom; reward improvement as well as high performance; and provide support or interventions for schools that are struggling. The California Department of Education (CDE) is providing this opportunity for the State Board of Education (SBE) to engage in an initial conversation about the future of accountability in California.

RECOMMENDATION

The CDE recommends that this be a discussion/information item with no specific action to be taken at this time.

BRIEF HISTORY OF KEY ISSUES

Over the past several months, the State Superintendent of Public Instruction (SSPI), the CDE, the SBE, members of the Legislature, the Governor, the PSAA Advisory

BRIEF HISTORY OF KEY ISSUES (Cont.)

Committee, educational stakeholders, and members of the public have been engaged in various discussions about the future of accountability in California.

At the request of SBE President Michael Kirst, WestEd convened two meetings of diverse stakeholders in early 2012 to discuss the future of accountability. The discussion in those meetings touched on a variety of issues, including the desire to align accountability in California so that there is one system that focuses on indicators that are widely valued and are linked to improved student outcomes. The discussion also focused on the desire to broaden accountability so that schools are judged on a variety of indicators and suggestions were made about how the SARC could be used to meet that goal. This broadening of accountability would provide multiple ways for schools to highlight their successes and also provide that information in a transparent, clear, and concise way to parents and other stakeholders. And finally, the meetings included a discussion of qualitative reviews of schools suggested by Governor Brown, which would rely on locally convened panels to visit schools, observe teachers, interview students, and examine student work. Staff from the Regional Educational Laboratory (REL) at WestEd provided a written summary of current data collection and reporting in California and an overview of qualitative review of schools. That summary is included as Attachment 1.

California's Accountability System

At the state level, California's accountability system has two distinct components: the API and the SARC.

Of the two, the API is arguably the most public measure of school accountability. Schools receive awards or are identified for participation in any number of state intervention programs based upon their API score. California *Education Code* Section 52052 (a)(4) states that the API shall consist of a variety of indicators. Due to limitations around data availability, the API has been based solely on test scores from the Standardized Testing and Reporting (STAR) Program and the California High School Exit Examination (CAHSEE) since its inception in 1999.

The SARC, on the other hand, includes a wide array of indicators of educational quality, and is required to be completed annually by all schools in California. However, there is some evidence that the SARC is not well known or well used by parents or other members of the educational community.

In addition to the API and the SARC, a variety of local qualitative reviews take place in schools and local educational agencies throughout California. Attachment number 1 describes several of these qualitative reviews. State-led reviews like the Program Quality Review and the California Academic Audit were routinely conducted in the 1980's, 1990's, and into the early 2000's. Since that time, other technical assistance reviews such as the School Assistance and Intervention Team (SAIT) and the District

BRIEF HISTORY OF KEY ISSUES (Cont.)

Assistance and Intervention Team (DAIT) have been implemented for schools and LEAs that participated in state intervention programs. And at the local level, many LEAs have developed their own qualitative review process such as the School Quality Review and the Community Quality Review process at Sacramento City Unified School District and the School Review Process used by schools participating in the Public School Choice Program in the Los Angeles Unified School District.

The Academic Performance Index

The API is an improvement model of accountability that rewards schools that improve academic achievement from one year to the next. *EC* Section 52052 (a)(4) states that the API shall consist of a variety of indicators such as achievement tests and graduation rates. Results of achievement tests shall constitute at least 60 percent of the value of the API (*EC* Section 52052 (a)(4)(D)).

Since 1999 the API has been based only on student scores from the STAR Program and the CAHSEE due to limitations around the availability of data for other indicators. Graduation rates and dropout rates are now available through the California Longitudinal Pupil Achievement Data System (CALPADS).

The PSAA Advisory Committee held two meetings in March, 2012 to discuss the incorporation of high school graduation rates and middle school dropout rates into the API as required by *EC* Section 52052 (a)(4)(A) and *EC* Section 52052.1 (a)(3). The issues are complex and technical, and will require additional meetings of both the PSAA Advisory Committee and the Technical Design Group to address them sufficiently. Until that time, these measures will not be included in the API.

State legislation provides a significant role for the SSPI, the CDE, and the SBE in the API. Attachment 2 provides a summary of the SBE action for the last five API cycles and Attachment 3 provides a description of the five core components of the API that can be modified by SBE action without legislation.

The School Accountability Report Card

Included in Proposition 98 in 1988, the SARC is a reporting tool for data on various indicators ranging from student enrollment, to facilities and textbooks, to student academic achievement and graduation rates. The purpose of the SARC was to apprise parents and members of the public about school conditions and performance.

In the 24 years since the passage of Proposition 98, the SARC has grown to include over 35 data tables and narrative descriptions making it the most comprehensive accountability tool in California.

BRIEF HISTORY OF KEY ISSUES (Cont.)

EC Section 33126.1 requires that the SBE annually approve a SARC template that schools can use to meet the SARC requirements of Proposition 98. The 2010–11 SARC template approved by the SBE at its July 2011 meeting is available on the CDE 2010–11 SARC Web page at http://www.cde.ca.gov/ta/ac/sa/sarc1011.asp.

With only a few exceptions, all the elements in the SARC template are required by either state or federal law. However, the SSPI, the CDE, and the SBE have considerable flexibility in the "look and feel" of the SARC, including how the data elements are displayed (e.g., tables or graphics) and the order in which the data elements appear in the SBE-approved template.

Substantial work has been done to evaluate different ways to improve the "look and feel" of the SARC, including a report that the CDE provided to the Legislature in March 2008 entitled "Improving the Usability and Readability of the School Accountability Report Card (SARC)." The report (Attachment 4) outlined several recommendations for reducing the number of indicators in the SARC and highlighted work done by the Grow Network/McGraw-Hill, supported by the Hewlett Foundation, about ways to improve its usability and readability. Page 11 of Attachment 3 highlights the five barriers to usability and readability of the SARC identified through focus groups led by the Grow Network. And page 12 outlines three objectives the Grow Network identified in guiding a redesigned SARC print template and an initial design of an interactive, comparative Internet application.

The recommendations provided by The Grow Network were not implemented for a variety of reasons including budget constraints and CDE Web guidelines. However, the SSPI, the CDE, and the SBE may wish to engage in conversations to discuss the applicability of the recommendations from the Grow Network with today's goals.

Local Qualitative Reviews

Accountability in California is not exclusively driven by state law or policy. Countless LEAs throughout the state engage in their own local review process, much like Governor Brown mentioned in his veto message of SB 547.

These local review processes may have different purposes, but they all share a common feature in that a team of educators, parents, and community members visit a school site to conduct a review of school polices and/or practices and evaluate a school's strengths and weaknesses. Information about local review processes currently in place will be shared at the May 2012 SBE meeting.

In addition to the local qualitative reviews, almost all high schools, including charter high schools, participate in voluntary WASC accreditation reviews. In California, a few elementary and middle schools also participate in WASC reviews. According to the WASC Web site, the "WASC accreditation process fosters excellence in elementary,

BRIEF HISTORY OF KEY ISSUES (Cont.)

secondary, and adult education by encouraging school improvement. WASC accreditation recognizes schools that meet an acceptable level of quality, in accordance with established, research-based WASC criteria." There are a number of incentives for schools to be WASC-accredited. For example, the University of California (UC) has a policy in place that requires all California high schools to be WASC-accredited to establish or maintain an "a-g" course list. However students from non-WASC accredited schools may become eligible for UC admission by exam. The military also has a similar policy in place; students graduating from a non-WASC accredited school must take the Arms Services Vocational Aptitude Battery test. Attachment 5 provides the WASC criteria, additional information about the WASC accreditation process will also be shared at the May 2012 SBE meeting.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In February 2011, the CDE provided the SBE with an overview of their responsibilities related to assessment and accountability. This item also included a summary of the five key components of the API that can be modified by SBE action.

In February 2011, the SBE approved changes to the 2010 Base API that included the addition of test results from the California Modified Assessment (CMA) in English-language arts for grade ten, and Algebra I.

FISCAL ANALYSIS (AS APPROPRIATE)

The fiscal impact is unknown.

ATTACHMENT(S)

Attachment 1: WestEd Memorandum: Background Summary of School Accountability Data in California (40 Pages) will be provided as an Item Addendum, pending approval of the Institute of Education Sciences

Attachment 2: Changes to the Academic Performance Index Over the Last Five Years (2 Pages)

Attachment 3: Basic Components of the Academic Performance Index (4 Pages)

Attachment 4: Improving the Usability and Readability of the School Accountability Report Card (SARC): A Report to the Legislature, March 2008 (20 Pages)

Attachment 5: WASC/CDE Focus on Learning Schoolwide Criteria (3 Pages)

Changes to the Academic Performance Index Over the Last Five Years

Each API reporting cycle is made up of a Base API and a Growth API. The Base API is provided each spring and is based on the prior year's test results. The Base API provides a recalibration of the accountability system and within the Base API is when new tests or indicators are added into the API or new weights are applied. Schools also receive state ranks and similar schools ranks with the Base API report. The Growth API, released in August/September each year, is compared to the prior year's Base API to measure change. More information about the API calculations can be found in the *2010–11 Academic Performance Index Report Information Guide* on the CDE API Web page at http://cde.ca.gov/ta/a/ap.

2010-11 Academic Performance Index (API) Cycle

The following changes were addressed at the February 2011 State Board of Education (SBE) Meeting and can be found on the CDE SBE Agenda—February 9–10, 2011 Web page at http://www.cde.ca.gov/be/ag/ag/yr11/agenda201102.asp (Item 7).

- Include results from the California Modified Assessment (CMA) for English-language arts (ELA) in grade nine, Algebra I in grades seven to eleven, and science in grade ten.

- Adjust the 2010 Base API to account for the introduction of the CMA in ELA in grades ten and eleven, and the addition of CMA geometry in grades eight to eleven, in 2011.

2009-10 API Cycle

The following changes were addressed at the January 2010 SBE Meeting and can be found on the CDE SBE Agenda—January 5–7, 2010 Web page at http://www.cde.ca.gov/be/ag/ag/yr10/documents/jan10item18.doc

- Include results from the California Alternate Performance Assessment (CAPA) in science in grades five, eight, and ten.

- Include results from the CMA for ELA in grades six through eight; mathematics in grades six and seven; and science in grade eight.

- Adjust the 2009 Base API to account for the introduction in 2010 of the CMA for Algebra I in grades seven through eleven, the CMA in ELA in grade nine, and the CMA in life science in grade ten.

- Align the business rules between the API and the Adequate Yearly Progress (AYP) calculations for determining whether the English learner (EL) is numerically significant for accountability purposes.

2008-09 API Cycle

The following changes were addressed at the January 2009 SBE Meeting and can be found on the CDE SBE Agenda—January 7–8, 2009 Web page at http://www.cde.ca.gov/be/ag/ag/yr09/documents/jan09item4.doc

- Remove results from the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey) because the assessment was eliminated from the Standardized Testing and Reporting (STAR) Program in spring 2009.

- Include results from the CMA for ELA and mathematics grades three through five, and science, grade five.

- Adjust the 2008 Base API to account for the introduction of the CMA for ELA and mathematics in grades six through eight in 2009.

2007-08 API Cycle

- Adjust the 2007 Base API to account for the introduction of the CMA for ELA and mathematics in grades three through five in 2008.

- Modify the definition of the students with disabilities (SWD) subgroup to include students who were previously served but who are no longer receiving special education services for two years after exiting from those services.

2006-07 API Cycle

The following changes were addressed at the January 2007 SBE Meeting and can be found on the CDE SBE Agenda—January 10–11, 2007 Web page at http://www.cde.ca.gov/be/ag/ag/yr07/documents/jan07item05.doc

- Addition of results from the California Standards Tests (CSTs) in grade eight science and grade ten Life Science.

- The weight assigned in the API calculation for students in grades nine through eleven who are not enrolled in a math or science test and consequently do not take an end-of-course CST (i.e., the assignment of 200) was reduced to .10 for mathematics and.05 for science.

- Growth targets were calculated separately for the school and for each numerically significant subgroup and set at 5 percent growth towards the statewide performance target of 800.

Basic Components of the API

There are five key components of the API that can be modified by SBE action.

1. Indicators

The indicators are the individual elements included in the API (i.e., test results). State law requires that the API be comprised of at least 60 percent test results from statewide assessments. The other 40 percent may be made up of other test results, not clearly specified in the PSAA legislation, or other non-test indicators (e.g., attendance or graduation rates). Currently, the API is based on test results from statewide assessments, including results from the assessments included in the STAR Program (exclusive of the STS) in various content areas, grades two through eleven, and results from the CAHSEE in ELA and mathematics, grades ten through twelve.

Recent changes to state law specify that in addition to results of assessments, the API must also include attendance rates for elementary, middle, and high schools and graduation rates for high schools (California *EC* Section 52052(a)(4)), and school and school district dropout rates for students who drop out of school while enrolled in grade eight or nine (*EC* Section 52052.1(a)(3)). The Superintendent is responsible for determining the reliability and validity of those data prior to their inclusion in the API (*EC* Section 52052(a)(4)(C)).

2. Performance Level Weighting Structure

The weighting structure refers to the point value each test result contributes to the API score. Each performance level on the statewide assessments is given a point value. For example, a student who scores proficient on a CST contributes 875 points toward the school's API score. The current weighting structure, encompassing the individual performance level weights, is depicted in Table 1.

The system of performance level weights encourages schools to focus on the instructional needs of low-performing students. For example, a student who moves from a score of far below basic to below basic contributes more points to a school's API score (i.e., 300) than a student who moves from a score of proficient to advanced (i.e., 125). These performance level weights were set by the SBE in 1999 and have not changed.

Table 1
Performance Level Weights for Including Test Results in the API

CST/CAPA/CMA Performance Level	CAHSEE Score	Weight	Point Difference
Advanced	Pass	1,000	125
Proficient	N/A	875	175
Basic	N/A	700	200
Below Basic	N/A	500	300
Far Below Basic	No Pass	200	---

3. Test Weights

Test weights indicate the relative contribution of a particular test result to a school's API score. Test weights are applied according to (1) the test, (2) the content area, and (3) the grade span: grades two through eight and grades nine through twelve. Test weights are the same for all school and subgroup APIs and are the same for the Base and Growth APIs within a reporting cycle. The SBE is responsible for adopting test weights. Test weights are not percentages and do not total 100 percent. The SBE last adopted test weights when the results from the CSTs in grade eight science and grade ten Life Science were added to the 2006–07 API.

Table 2 shows the test weights for grades two through eight. Included in the API score are results from the CSTs, the CMA, and the CAPA.

Table 2
Test Weights, Grade Levels 2-8

Content Area	2009–10 API Test Weights
CST/CMA/CAPA in ELA, Grades 2-8	0.48
CST/CMA/CAPA in Mathematics, Grades 2-8	0.32
CST/CMA/CAPA in Science, Grades 5 and 8	0.20
CST in History-Social Science, Grade 8	0.20
Assignment of 200, CST in Mathematics, Grade 8	0.10

Table 3 shows the test weights for grades nine through twelve. For CAHSEE, grade eleven and twelve results are only counted if the student passed.

Table 3
Test Weights, Grade Levels 9-12

Content Area	2009–10 API Test Weights
CST/CAPA in ELA, Grades 9-11	0.30
CST/CAPA in Mathematics, Grades 9-11	0.20
CST in Science, Grade 9-11	0.22
CST/CAPA in Life Science, Grade 10	0.10
CST in History-Social Science, Grades 9-11	0.23
CAHSEE ELA, Grades 10-12	0.30
CAHSEE Mathematics, Grades 10-12	0.30
Assignment of 200, CST in Mathematics, Grades 9-11	0.10
Assignment of 200, CST in Science, Grades 9-11	0.05

4. Statewide Performance Target

California *EC* Section 52052(d) requires that the Superintendent recommend and the SBE adopt a statewide performance target that all schools should strive to achieve. In 1999, the SBE adopted an API score of 800 as the statewide performance target. This API score was set because it was believed to be rigorous, yet attainable.

Because individual school and subgroup targets are established by examining the distance between that school or subgroup API score and the state target, changes to the state target must be implemented with the Base API. Any change to the state target will also impact growth targets for schools and subgroups.

Table 4 shows the percentage of schools at or above 800 by school type in 2002 and in 2011.

Table 4
Percentage of Schools at or Above State Target of 800

School Type	2002	2011	Change in Percent of School at or above 800
Elementary	23%	51%	28
Middle	16%	40%	24
High	6%	25%	19
All Schools	20%	46%	26

5. Growth Targets

Growth targets indicate how much improvement is expected for a school overall and for all numerically significant subgroups within a school. To meet all state API growth target requirements, a school and each numerically significant subgroup in the school must meet its growth target each year.

EC Section 52052(c) requires that the SBE must adopt expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Specifically, the minimum annual percentage growth targets shall be five percent of the difference between the actual API score of a school and the statewide API performance target.

From 1999 until 2005, school growth targets were five percent of the difference between the school API score and the statewide performance target of 800 and numerically significant subgroup growth targets were 80 percent of the school's growth target. All numerically significant subgroups at a school were given the same growth target, irrespective of their performance on the API scale.

In May 2006, to address the achievement gap between lower and higher scoring student subgroups, Superintendent O'Connell recommended and the SBE adopted a more challenging system of subgroup growth targets. Beginning with the 2006 Base API, schools and all numerically significant subgroups had growth targets calculated in the same manner – five percent of the difference between the baseline score and the statewide performance target. The net effect was to establish more ambitious annual growth targets for lower scoring subgroups.

Table 5
Examples of Numerically Significant Subgroup Growth Targets
Before and After the Policy Change

Subgroup	API Score	1999–2005	2006–Present
School	700	5	5
Black or African American	680	4	6
Hispanic or Latino	690	4	6
White	825	4	Stay above 800
Socioeconomically Disadvantaged	710	4	5
English Learner	640	4	8

Improving the Usability and Readability of the School Accountability Report Card (SARC): A Report to the Legislature

March 2008

Policy and Evaluation Division
California Department of Education

California Department of Education
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Disclaimer

This report on improving the School Accountability Report Card (SARC) was prepared to satisfy the legislative requirement of Assembly Bill 1061, (Mullin, Romero, and Scott, Chapter 530, Statutes of 2007) [1] that requires the California Department of Education to report to the Legislature and the Governor concerning the usability and readability of the SARC.

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ATTACHMENTS

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Attachment C: California School Accountability Report Card (SARC) Web. The Grow Network/McGraw-Hill.

Attachment D: A New SARC Strategy for California. The Grow Network/McGraw-Hill.

California Department of Education
Improving the Usability and Readability of the School Accountability Report Card

Executive Summary

The California Department of Education (CDE) report focuses on the School Accountability Report Card (SARC) Advisory Work Groups' recommendations regarding the deletion of additional SARC reporting requirements through legislation or administrative action, it proposes a technological solution to address problems with the usability and readability of the current SARC, and provides the Legislature and Governor with guiding principles concerning future modifications to the SARC.

The SARC Advisory Work Group recommends the following changes to the SARC template:

- ✓ Delete district-level beginning, mid-range, and highest teacher and administrator salary information.
- ✓ Add visual and performing arts as an additional core content area for the *Williams* settlement textbook inspections.
- ✓ Improve the Internet accessibility for the SARC by requiring Local Educational Agencies (LEAs) to publish a SARC link on their LEA Home Page.
- ✓ Delete, through action by the State Board of Education (SBE), assessment results from the norm-referenced test (currently the California Achievement Test, Sixth Edition [CAT/6]) and information on continuation school days.

The report recommends a SARC redesign to improve the usability and readability of the current SARC and create a Web based structure to facilitate the creation of these school level reports.

Finally, the report recommends two guiding principles that the SARC Advisory Work Group developed to assist the Legislature and Governor when evaluating whether the SARC is the most appropriate reporting tool for new accountability requirements.

Background

California voters approved proposition 98, *The Classroom Instructional Improvement and Accountability Act,* on November 8, 1998. Proposition 98 established the intent of the people of the State of California to ensure that schools spend money where it is most needed and required every local school board to prepare a School Accountability Report Card (SARC) to guarantee accountability for the dollars spent. The proposition amended the State constitution to require that any school district maintaining an elementary or secondary school must develop and prepare an annual audit accounting for such funds and must adopt a SARC for each school. The proposition also amended the California *Education Code (EC)* to require that the State Superintendent of Public Instruction develop and present for adoption to the State Board of Education (SBE) a model SARC containing an assessment of various school conditions. The *EC* was also amended to require that all elementary and secondary school districts in California annually prepare, for each school within the district, a SARC that contains the items described in *EC* Section 33126, require that each school district publicize the availability of the SARCs, and require the notice to parents or guardians of students that a copy of the SARC will be provided on request.

Over the past 17 years, the SARC requirements have expanded substantially. In just the past three years, the SARC has grown significantly due to one piece of federal legislation -- the No Child Left Behind Act (NCLB) in 2001 -- and three acts of the state legislature: Senate Bill (SB) 550 of 2004 that implemented portions of the *Williams* settlement; Assembly Bill (AB) 1609 of 2005 pertaining to career technical education data; and SB 687 of 2006 pertaining to teacher salaries and per pupil expenditure data. The SARC has evolved into a data reporting tool that contains 38 reporting elements, reflecting some of the most extensive reporting requirements in the country. As an accountability measure, the SARC has become excessively lengthy, overly complex, costly, burdensome, and only marginally effective.

In 2005, a task force headed by researchers at the University of California at Los Angeles (UCLA) released a report entitled *Grading the School Accountability Report Card: A Report on the Readability of the School Accountability Report Card.* The results of this study showed that the report card fared poorly on indices of readability, comprehensibility, and applicability. The study concluded that the SARC is so difficult to read that it cannot be understood by parents and community members. The authors recommended that the State focus on creating a more user-friendly document, devoid of jargon and with more explanation, both in design and content.

Additionally in 2005 and 2006, the SARC was the subject of increased media attention. Newspaper articles described the new SARC requirements imposed by legislative actions. Other coverage cited alleged compliance issues involving local educational agencies (LEAs) that failed to publish SARCs at all. In 2006, Public Advocates (a civil rights advocacy organization) published a *2006 SARC Investigation Report* that criticized the failure of districts and schools to comply with SARC content requirements; the requirement to translate the SARC into other languages; the untimely publication of

school SARC reports; as well as lax monitoring and evaluation of compliance by schools with the SARC requirements.

The SARC has clearly moved beyond the original intent of its creators, who envisioned a data reporting tool to apprise parents and community members about school conditions and performance. Some of the most recently added reporting elements have caused the SARC itself to become a mandate for new data collections. Examples of this include vacant teacher positions, specific career technical education data measures, and some of the average teacher salary and per pupil expenditure elements. The SARC's primary audience also appears to have broadened well beyond the local school community.

To address these developments, the California Department of Education (CDE) recommended initiating legislation that would require a careful, meaningful, and measured examination of the SARC, its original and actual intent; its level of readability and comprehension; as well as its effectiveness. In 2006, the Legislature and the CDE attempted, for the first time, to streamline SARC reporting requirements through legislation via SB 1510. The bill was vetoed by the Governor. His veto message indicated that the bill moved in the right direction in attempting to streamline the SARC; however, instead of a piecemeal approach he preferred that his Administration and the Legislature work with the CDE and the SBE to achieve a comprehensive overhaul of the SARC. He also commented that he believed the SARC should be more user-friendly to anyone that receives it or accesses it online over the Internet, that Californians want a higher level of fiscal transparency, particularly information that identifies how much money is actually spent for direct classroom instruction or for services that directly improve the academic achievement of students, and that parents should find it easy to compare schools. In closing, the Governor indicated that he looked forward to signing a bill that will make these changes.

It is clear that the Governor agrees with the notion that it is time to simplify the SARC, and his message indicated that his Administration stands ready to work with the Legislature, the CDE, and the SBE in a comprehensive overhaul of the SARC to make it more user friendly.

AB 1061 Legislative Requirements

In addition to deleting several SARC reporting requirements, Section 2 of AB 1061, at Section 33126.1(e), [1] directs the CDE to report to the Legislature and the Governor concerning the usability and readability of the SARC. Specifically, the CDE must report on remaining data elements in the SARC and on the feasibility of combining elements, linking to other reporting of data elements, and other possible alternatives for improving the usability and readability of the SARC.

To meet the requirements of AB 1061, in the fall of 2007 the CDE convened two meetings of a SARC Advisory Work Group, comprised of educational stakeholders from a variety of perspectives, to discuss the remaining reporting requirements in the SARC and develop the recommendations contained in this report.

This report is divided into four sections. The first section focuses on the SARC Advisory Work Groups' recommendations regarding the streamlining of the SARC requirements through legislation. The second section proposes administrative deletion of two SARC requirements that are not mandated in law. The third section proposes a technological solution to address problems with the usability and readability of the current SARC. And finally, the fourth section provides the Legislature with final recommendations on the SARC.

Separate from those various issues, however, are two guiding principles that the SARC Advisory Work Group developed to assist the Legislature and Governor when evaluating whether the SARC is the most appropriate reporting tool for new accountability requirements.

Guiding Principles for the SARC

1. Legislation requiring new reporting elements for the SARC should include a clearly specified implementation time frame.

   SARCs published in the current school year reflect on data collected and reported in the last school year. LEAs and schools need sufficient time to collect and report on new requirements. If an implementation time frame is not specified in legislation, the CDE will implement new requirements in conjunction with the SBE's annual approval process.

2. Legislation to add requirements to the SARC should carefully evaluate whether an existing data collection for the new requirement exists or whether the SARC will be the primary vehicle for data collection and reporting.

   Traditionally, the SARC was used as a data reporting tool. SARC reporting requirements were gathered via established data collections (e. g., the California Basic Educational Data System). More recently, requirements have been added to the SARC that aren't part of an established data collection and therefore aren't available to the CDE to make part of the SARC template with data or to analyze on a statewide basis. New legislation should evaluate the source and availability of data for any new SARC reporting requirement prior to mandating its inclusion in the SARC.

Section I. Streamlining SARC Requirements

The SARC Advisory Work Group examined all SARC requirements, after those deleted by AB 1061 were removed, to recommend whether or not additional requirements should be candidates for streamlining, consolidation, or deletion. After this review, the SARC Advisory Work Group recommends legislative action for two requirements and administrative action for three requirements.

Legislative Action

The SARC Advisory Work Group recommends legislative changes for information concerning school finances.

Teacher and Administrative Salaries

The SARC currently includes two tables that provide information on salaries of teachers and school/district administration. The first table, a result of SB 280 (Chapter 1463, Statutes of 1989) and amended by AB 1248 (Chapter 759, Statutes of 1992), reports on teacher and administrative average salary information at the district level and compares that to averages for the same type of district (see Table 1 on page 5). More recently Table 2 was added to the SARC, a result of SB 1632 (Chapter 996, Statutes of 2000) and amended by SB 687 (Chapter 358, Statutes of 2005). This table reports on the average teacher salary at the school site compared to the average teacher salary at the district and in the state (see Table 2 on page 6). Because this information is reported at the school site level it is viewed by the SARC Advisory Work Group to be more useful and meaningful to the parent community.

Table 1. Teacher and Administrative Salaries

Teacher and Administrative Salaries (Fiscal Year 2005-06)

This table displays district-level salary information for teachers, principals, and superintendents, and compares these figures to the state averages for districts of the same type and size. The table also displays teacher and administrative salaries as a percent of a district's budget, and compares these figures to the state averages for districts of the same type and size. Detailed information regarding salaries may be found at the CDE Web page at http://www.cde.ca.gov/ds/fd/cs/.

Category	District Amount	State Average For Districts In Same Category
Beginning Teacher Salary		
Mid-Range Teacher Salary		
Highest Teacher Salary		
Average Principal Salary (Elementary)		
Average Principal Salary (Middle)		
Average Principal Salary (High)		
Superintendent Salary		
Percent of Budget for Teacher Salaries		
Percent of Budget for Administrative Salaries		

Table 2. Expenditures Per Pupil and School Site Teacher Salaries

Expenditures Per Pupil and School Site Teacher Salaries (Fiscal Year 2005-06)

This table displays a comparison of the school's per pupil expenditures from unrestricted (basic) sources with other schools in the district and throughout the state, and a comparison of the average teacher salary at the school site with average teacher salaries at the district and state levels. Detailed information regarding school expenditures and teacher salaries can be found at the CDE Web page at http://www.cde.ca.gov/ds/fd/ec/ and http://www.cde.ca.gov/ds/fd/cs/.

Level	Total Expenditures Per Pupil	Expenditures Per Pupil (Supplemental)	Expenditures Per Pupil (Basic)	Average Teacher Salary
School Site	*To be provided by LEA*			
District	n/a	n/a		
Percent Difference – School Site and District	n/a	n/a	*To be provided by LEA*	
State	n/a	n/a		
Percent Difference – School Site and State	n/a	n/a	*To be provided by LEA*	

After considerable discussion about this type of information, how it is used by the parent community, and what other fiscal information is available in the SARC, the SARC Advisory Work Group recommends that some of the information in Table 1 be deleted. The SARC Advisory Work Group recommends the following revision to the California *EC* in the area of teacher and administrative salaries:

- ✓ Amend subdivision (c), Section 41409 of the *EC* to read as follows:

  (c) The statewide average~~s~~ calculated pursuant to subdivision~~s~~ ~~**(a) and**~~ (b) ***(3)*** shall be provided annually to each school district for use in the school accountability report card.

- ✓ Amend Section 41409.3 of the *EC* to read as follows:

  Each school district, except for school districts maintaining a single school to serve kindergarten or any of grades 1 to 12, inclusive, shall include in the school accountability report card required under Section 35256 a statement that shall include the following information:
  ~~**(a) The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale.**~~
  ~~**(b) The average salary for schoolsite principals in the district.**~~
  ~~**(c)**~~ ***(a)*** The salary of the district superintendent.
  ~~**(d)**~~ ***(b)*** Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 41409, the statewide average salary for the appropriate size and type of district for the following:
  ~~**(1) Beginning, midrange, and highest salary paid to teachers.**~~
  ~~**(2) Schoolsite principals.**~~
  ~~**(3)**~~ ***(1)*** District superintendents.
  ~~**(e) The statewide average of the percentage of school district expenditures allocated for the salaries of administrative personnel for the appropriate**~~

~~**size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of Section 41409.**~~
~~**(f) The percentage allocated under the district's corresponding fiscal year expenditure for the salaries of administrative personnel, as defined in Sections 1200, 1300, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education.**~~
~~**(g) The statewide average of the percentage of school district expenditures allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409.**~~
~~**(h) The percentage expended for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.**~~

The resultant SARC table would look like Table 3 on page 7. The beginning, mid-range, and highest range salary information for teacher and principals would be removed, but the superintendent's salary would be retained. All other teacher salary information at the school site level, as shown in Table 2, would remain in the SARC.

Table 3. Administrative Salaries

Administrative Salaries (Fiscal Year 2005-06)
This table displays district-level salary information for superintendents. The table also displays teacher and administrative salaries as a percent of a district's budget, and compares these figures to the state averages for districts of the same type and size. Detailed information regarding salaries may be found at the CDE Web page at http://www.cde.ca.gov/ds/fd/cs/.

Category	District Amount	State Average For Districts In Same Category
Superintendent Salary		
Percent of Budget for Teacher Salaries		
Percent of Budget for Administrative Salaries		

Visual and Performing Arts

AB 1061 added visual and performing arts to the list of core content areas on which the SARC must report textbook availability and sufficiency. However, no information about textbook availability and sufficiency in visual and performing arts is collected via established data collections. The SARC Advisory Work Group recommends the following revision to the California *EC* that would add visual and performing arts to the list of core content areas evaluated by textbook inspections under the *Williams* settlement.

- ✓ Amend subdivision (a)(1)(A), Section 60119 of the *EC* to read as follows:

  (a) In order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:
  (1) (A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of

the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.
(ii) Science.
(iii) History-social science.
(iv) Visual and performing arts.
(v) English/language arts, including the English language development component of an adopted program.

Internet Accessibility

In addition to these legislative actions concerning the SARC, the CDE recommends that the requirement that LEAs post completed SARCs on the Internet be strengthened. Current law requires all LEAs with Internet access to post completed SARCs on the Internet, but LEAs differ widely in how accessible those posted SARCs are to parents and the community. The CDE suggests that all LEAs be required to post a link to the completed SARCs for all schools on the LEA's Home Page.

- ✓ Amend subdivision (d), Section 33126 of the *EC* to read as follows:

  (d) It is the intent of the Legislature that schools make a concerted effort to notify parents of the purpose of the school accountability report cards, as described in this section, and ensure that all parents receive a copy of the report card; to ensure that the report cards are easy to read and understandable by parents; to ensure that local educational agencies with access to the Internet make available current copies of the report cards through the Internet ***by posting a link to the completed SARCs for all schools on the local educational agencies Internet Home Page***; and to ensure that administrators and teachers are available to answer any questions regarding the report cards.

- ✓ Amend subdivision subdivision (i), Section 33126.1 of the *Education Code* to read as follows:

  (i) The department shall maintain current Internet links with the Internet Web sites of local educational agencies to provide parents and the public with easy access to the school accountability report cards maintained on the Internet. In order to ensure the currency of these Internet links, local educational agencies that provide access to school accountability report cards through the Internet shall furnish current Uniform Resource Locators (URLs) for their ***Home Page*** Internet Web sites to the department.

Section II. Administrative Action

In addition to the suggestions above, the SARC Advisory Work Group also recommends that the CDE administratively delete two other requirements that were recommended by the original SARC Advisory Committee in 2001 and subsequently adopted by the SBE for inclusion in the SARC template.

NRT Results for All Students and for Student Subgroups

Proposition 98 requires inclusion of student assessment results in the SARC. The original SARC Advisory Work Group recommended inclusion of all available student assessment results including the norm-referenced assessment (then the Stanford 9 Achievement Test [SAT-9] and now the California Achievement Test, Sixth Edition [CAT/6]) and the California Standards Tests (CSTs) as they were implemented. The 2006-07 SARC template included student assessment results for the NRT, the CSTs, and any local assessments administered by the LEA.

The SARC Advisory Work Group feels that inclusion of the NRT results is no longer as critical given that the CSTs are administered in more content areas (English-language arts, mathematics, science, and history-social science) and in more grade levels (grades 2 to 11 for the CST versus grades 3 and 7 for the NRT) and provide results that indicate the proportion of students scoring at or above the proficient level on state standards, not according to national norms. The SARC Advisory Committee felt it was important to focus on one set of assessment results that was directly related to the SBE adopted curriculum and content standards.

Continuation School Instructional Days

Prior to the enactment of AB 1061, the SARC was required to report on the number of instructional minutes and the number of minimum days in the school year. Because the original SARC Advisory Work Group believed those requirements were meaningful for traditional schools only, they developed the *Continuation School Instructional Days* as a corollary for continuation or alternative schools. There is no legal requirement for this element so the SARC Advisory Work Group suggests that the CDE delete it from future SARC templates.

Section III. Improving the Usability and Readability of the SARC Through a Comprehensive Redesign

To address concerns about the length and complexity of the SARC that were raised several years ago, (and described in the Background section of this report) the CDE convened a SARC Advisory Work Group in 2005 and 2006. The SARC Advisory Work Group simplified some of the SARC language, but most notably it recommended and the SBE approved a two page SARC executive summary for use starting with the 2005-06 school year.

These were modest steps toward improving the usability and readability of the SARC. Recognizing that simplification efforts were complex, the CDE sought help from the Hewlett Foundation to contract with Grow Network/McGraw-Hill (Grow) – a nationally known expert in communicating complex accountability information to parents and communities – to provide California with a proposal of how to redesign the SARC to improve its usability and readability.

Methodology for Obtaining Input on the Current SARC Design

Grow, at the request of the CDE, investigated the perceived and actual use of the SARC beginning June 2006. In order to assess both the perceived and actual use of the SARC by parents, the researchers held focus groups in various school districts throughout the state, taking care to select a sampling that is reflective of the diversity of California's public school population.[2] In total, over 100 parents of school-aged children and educators in California public schools participated in various focus group sessions.

Focus group participants were presented with a print prototype of the revised SARC, with several sections presenting alternative views of the data. In each case, participants were asked to walk through the SARC with the facilitator, who directed the sessions. The participants were asked a standard set of questions focusing on the interpretability and value of the data being presented, with opportunity to discuss general opinions and comments about the different sections and the document as a whole. The discussions were mainly limited to observations about the types of information that were presented, the data displays used to convey the data, and the sequential flow of the data. Parents were also asked to fill out a voluntary parent survey gauging the familiarity with and use of the SARC prior to participation in the focus group. The Parent Survey administered is included in Attachment A: *Assessing Parent Use and Needs of the California School Accountability Report Card*.[2]

The following issues were uncovered by Grow in their initial research and subsequently guided their proposed redesign efforts. [5]

Barriers to Usability and Readability of the SARC

- Lack of a consistent accountability message to educators and parents statewide.

  The current SARC system does not provide a coherent accountability message to educators and parents across California. Districts choose to customize the SARCs in various ways, so there is no uniform design or layout.

- Many parents do not receive SARCs.

  According to educator and parent focus groups, most California schools rely primarily on the Internet to deliver SARCs to parents. But a statewide telephone survey in April 2007 indicates that **less than 7 percent** of public school parents surveyed had actually seen their schools' SARC online. (Margin of error +/- 3 percent.) Focus groups confirmed that parents in *schools serving low-income, rural, and non-native-English-speaking populations had far less knowledge of and access to the SARC.*

- SARCs are not engaging or user-friendly, despite significant creation time spent by schools.

  Local administrators devote enormous energy in creating SARCs, either using the standard template or developing their own. But parents in recent focus groups consistently deemed the current SARCs to be difficult to understand and hard to read. (This confirms the conclusions drawn by the UCLA study, Grading the SARC.)

- Current process does not ensure uniform data quality across the state.

  Under the current process, the CDE does not have final oversight over the accuracy and completeness of the state-provided data in the actual SARCs produced by districts.

- The CDE does not have an ongoing archive of locally-provided SARC data.

  Approximately 20 percent of the SARC input is created locally. The CDE does not receive the locally inputted data in a format that can be archived or retrieved. Because these data are scattered across thousands of SARCs, the CDE cannot easily analyze, compile, or manipulate the data for other purposes such as research.

Guiding Principles for SARC Redesign Efforts

Based on Grow's experience with the focus group participants in California and their research and experience with other states regarding customized reports for education stakeholders (teachers, parents, administrators) they identified the following three objectives in guiding a redesigned SARC print template and an initial design of an interactive, comparative Internet application.[5]

1. Strengthen the State's Accountability Message

   - Redesign the SARCs based on focus group research about the most effective data displays and formats for parents and educators.

   - Standardize the SARCs statewide, enabling equity across districts as well as consistency for students who switch districts.

2. Address Users' Different Needs to Ensure Access and Understanding

   - Develop a new Parent Summary in an easy-to-understand format, as requested by parents in focus groups.

   - Translate the SARC and Parent Summary templates into six languages.

   - Provide an interactive Web site for advanced users to explore data in more detail and download data as needed.

   - Enable complete access to SARCs via a single Web site, so that the Redesigned SARC, Parent Summary, and Interactive SARC are easily accessible to all.

3. Enable Easy Customization by Schools

   - Allow schools to enter custom text via a Web interface, ensuring that key flexibility is retained locally.

   - Ensure the CDE's retention of complete SARC information by collecting locally generated data and combining with State data for archival purposes.

Proposed SARC Redesign

Grow produced two documents for the CDE: a revised print template for the SARC and a proposed Internet application.

Revised SARC Print Template

Grow created a redesigned print prototype of the SARC template which is a mix of tabular and graphical displays of data combined with simple "sidebar" textual descriptions. Moreover, the SARC print prototype ensures that school report cards are an important source of information about school performance and accountability. They allow schools to compare data in a consistent way and highlight opportunities for improvement.

The SARC print prototype shows not only the achievement of students overall, but also the progress that disaggregated groups are making in closing achievement gaps. The SARC print prototype data helps California school districts and the CDE focus on specific groups of students who are currently not meeting academic standards.

Finally, the SARC print prototype is designed to ensure that the public is fully informed about school performance and to promote broader participation and better decision-making by providing a shared source of performance data. The SARC Print Prototype is included as Attachment B: *The California State Board of Education School Accountability Report Card 2006-07*. [3]

Proposed SARC Internet Application

Grow created an Internet application designed to be user-friendly, provide public online access to the SARCs and Parent Summaries, and access to an Interactive SARC Web page. The proposal for the Interactive SARC Web page user-friendly and understandable is based on feedback from educators and parents. Moreover, a key feature of the proposed Internet application is online accessibility to meet survey respondents' preference to access the SARC online, rather than in print, and avoid having to keep track of the physical document, conserve paper, and increase ease of use.

Grow's proposed SARC redesign provides greater depth online for the information contained in the SARC. The proposed redesign responds to many participants suggestion that the Web allow parents to delve much deeper into the school-level data than the print version allows.

This proposed redesign and Internet Web page represents a ground breaking effort by the State of California to provide the public with a comprehensive look at each school and associated data. Key features in the proposed SARC redesign provide the following improvement to the current structure: engaging all parents in the dialogue around California's SARC with links providing additional information in the parent's home language; allowing visitors to access the Web page and go directly to their school's SARC by typing in their school or district's name or zip code; or, users can go directly to comparing schools by district, within a certain distance from a location, such as an address, or within busing ranges. The increased functionality provided in the proposed SARC redesign is user-friendly, understandable, and will increase the usability and readability of a SARC. The proposed SARC Internet application is included as Attachment C: *California School Accountability Report Card (SARC) Web*. [4]

Proposed Costs for a Redesigned SARC Template and Internet Web Application

The effort of the Grow research team, in organizing responses from parents and teachers of public-school students throughout the state of California resulted in a redesigned print SARC prototype and the framework for the Web-based version of the report card that the CDE is interested in developing, implementing, and maintaining.

Grow's proposed redesign of the SARC includes the following costs which include all design, content, translation, data management, engineering, and quality assurance. A second option presented by Grow includes the ability to print and distribute Parent Summaries to all parents statewide in English and at least six languages. [5]

Proposal 1

- Development of a new SARC template, a Parent Summary template, and an Interactive SARC Website.
- SARC and Parent Summary templates shall be produced in the six most common state languages in addition to English.
- The SARC and Parent Summary templates will be provided to districts and schools to complete via Web-entry, and the State shall collect and retain this locally generated data.

Proposal 2

- Above plus
- Printing and distribution of Parent Summaries for all parents statewide, including home language Parent Summaries in the six additional languages.

Proposal 1's cost estimate is $3.7 million in the first year, $1.1 million in the second year, and $0.9 million in third year. Proposal 2's cost estimate is $5.5 million in the first year, $2.9 million in the second year, and $2.7 million in the third year.

Section IV. Final Recommendations on the SARC

Based on input by the SARC Advisory Work Group, the CDE recommends the following course of action:

1. Follow two guiding principles in assessing whether new reporting requirements should be added to the SARC (see page 4).

2. Legislatively and administratively delete a small number of existing SARC requirements based on the recommendations of the SARC Advisory Work Group (see pages 5 to 9).

3. Legislatively require that the visual and performing arts content area that is subject to the sufficiency of instructional materials examination must also be subject to the public hearing requirement under Section 60119 of the California *EC* (see pages 7 and 8).

4. Improve Internet accessibility of SARCs by requiring school districts to include a link to all SARCs from the school districts' Home Page (see page 8).

5. Legislatively approve funding for a comprehensive redesign of the SARC template to improve the readability and usability of the SARC template.

Endnotes

[1] Assembly Bill 1061 [Mullin, Romero, and Scott (Chapter 530, Statutes of 2007), Section 33126.1, subsection (e)].

[2] *Assessing Parent Use and Needs of the California School Accountability Report Card*. The Grow Network/McGraw-Hill.

[3] *The California State Board of Education School Accountability Report Card 2006-07*. The Grow Network/McGraw-Hill.

[4] *California School Accountability Report Card (SARC) Web*. The Grow Network/McGraw-Hill.

[5] *A New SARC Strategy for California*. The Grow Network/McGraw-Hill.

WASC/CDE Focus on Learning Schoolwide Criteria*

A. Organization

Vision and Purpose

1. The school has a clearly stated vision or purpose based on its student needs, current educational research and the belief that all students can achieve at high academic levels. Supported by the governing board and the central administration, the school's purpose is defined further by expected schoolwide learning results and the academic standards.

Governance

2. The governing board (a) has policies and bylaws that are aligned with the school's purpose and support the achievement of the expected schoolwide learning results and academic standards based on data-driven instructional decisions for the school; (b) delegates implementation of these policies to the professional staff; and (c) monitors results regularly and approves the single schoolwide action plan and its relationship to the Local Educational Agency (LEA) plan.

Leadership and Staff

3. Based on student achievement data, the school leadership and staff make decisions and initiate activities that focus on all students achieving the expected schoolwide learning results and academic standards. The school leadership and staff annually monitor and refine the single schoolwide action plan based on analysis of data to ensure alignment with student needs.
4. A qualified staff facilitates achievement of the academic standards and the expected schoolwide learning results through a system of preparation, induction, and ongoing professional development.
5. Leadership and staff are involved in ongoing research or data-based correlated professional development that focuses on identified student learning needs.

Resources

6. The human, material, physical, and financial resources are sufficient and utilized effectively and appropriately in accordance with the legal intent of the program(s) to support students in accomplishing the academic standards and the expected schoolwide learning results.
7. The governing authority and the school leadership execute responsible resource planning for the future. The school is fiscally solvent and uses sound and ethical accounting practices (budgeting/monitoring, internal controls, audits, fiscal health and reporting). **[FOR CHARTER SCHOOLS ONLY]**

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* Modified: 8/05 (Added Charter School criteria).

8. The school has developed policies, procedures, and internal controls for managing the financial operations that meet state laws, generally accepted practices, and ethical standards. **[FOR CHARTER SCHOOLS ONLY]**

B. Standards-based Student Learning: Curriculum

1. All students participate in a rigorous, relevant, and coherent standards-based curriculum that supports the achievement of the academic standards and the expected schoolwide learning results. Through standards-based learning (what is taught and how it is taught), these are accomplished.
2. All students have equal access to the school's entire program and assistance with a personal learning plan to prepare them for the pursuit of their academic, personal and school-to-career goals.
3. Upon completion of the high school program, students have met all the requirements of graduation.

C. Standards-based Student Learning: Instruction

1. To achieve the academic standards and the expected schoolwide learning results, all students are involved in challenging learning experiences.
2. All teachers use a variety of strategies and resources, including technology and experiences beyond the textbook and the classroom, that actively engage students, emphasize higher order thinking skills, and help them succeed at high levels.

D. Standards-based Student Learning: Assessment and Accountability

1. The school uses a professionally acceptable assessment process to collect, disaggregate, analyze and report student performance data to the parents and other shareholders of the community.
2. Teachers employ a variety of assessment strategies to evaluate student learning. Students and teachers use these findings to modify the teaching/learning process for the enhancement of the educational progress of every student.
3. The school, with the support of the district and community, has an assessment and monitoring system to determine student progress toward achievement of the academic standards and the expected schoolwide learning results.
4. The assessment of student achievement in relation to the academic standards and the expected schoolwide learning results drives the school's program, its regular evaluation and improvement, and the allocation and usage of resources.

E. School Culture and Support for Student Personal and Academic Growth

1. The school leadership employs a wide range of strategies to encourage parental and community involvement, especially with the teaching/learning process.
2. The school is a) a safe, clean, and orderly place that nurtures learning and b) has a culture that is characterized by trust, professionalism, high expectations for all students, and a focus on continuous school improvement.

3. All students receive appropriate support along with an individualized learning plan to help ensure academic success.
4. Students have access to a system of personal support services, activities and opportunities at the school and within the community.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Long Valley Charter School: Hold a Public Hearing to Consider a Material Revision of the Charter.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUES

The State Board of Education (SBE) approved the Long Valley Charter School (LVCS) charter petition July 14, 2010, for a site based program and local independent study program in Doyle. The LVCS charter petition was approved with an enrollment of 272 students. Per the Memorandum of Understanding (MOU) between the SBE and LVCS, changes to the charter deemed to be material amendments may not be made without prior SBE approval. The SBE determined LVCS was not fulfilling the conditions, standards, and/or procedures set forth in their charter petition and issued a Notice of Violation on March 8, 2012.

LVCS submitted the material revision in part to remedy the issues identified in the Notice of Violation. However, they also took the opportunity to update other areas within the original charter petition. The most significant changes requested in the material revision include:

- **Addition of Resource Centers** – The original LVCS petition did not identify any resource centers. The independent study program relied on the site-based resources in Doyle. The revised LVCS petition requests the addition of three resource centers that are currently in operation, including two that are outside Lassen County, the county of the site-based location in Doyle. The petition also proposes to open a forth resource center, location not specified.

- **Enrollment** – The original LVCS petition authorized LVCS to serve up to 272 students in kindergarten through grade twelve (K-12). The revised petition would authorize LVCS to serve up to 600 students in grades K-12.

- **Governance Structure** – The school administration described in the original petition identified one Education Director and one Financial Director. The revised petition omits the Financial Director, and adds two Assistant Directors and Back Office Support.

RECOMMENDATION

California Department of Education Recommendation
After the California Department of Education (CDE) staff review of the revised charter petition, as provided in Attachment 2, the CDE recommends that the SBE hold a public hearing and deny the LVCS material revision request.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on April 11, 2012, and voted to recommend approval of the material revision for LVCS with the following conditions and stipulations:

1. LVCS has a maximum of three resource centers and up to 500 students, subject to the standard language in the memorandum of understanding (MOU) between the school and the SBE.

2. LVCS will present the CDE with certificates of occupancy for the resource centers and that the resource centers are compliant with the Americans with Disabilities Act (ADA), or at least have a plan to be compliant.

3. The petition will be revised to include the technical amendments identified by the CDE.

Follow up discussion on the recommendation included a request that the CDE verify assertions made by LVCS staff at the ACCS meeting on April 11, 2012, which included:

a. 100 percent of the LVCS teachers are highly qualified

b. The local authority of Shasta and Plumas counties do not issue certificates of occupancy for the facilities currently operated by the LVCS resource centers

c. A plan to address the ADA issues located at the resource centers operated by LVCS was in progress

The motion passed six to one.

BRIEF HISTORY OF KEY ISSUES

The SBE approved the Long Valley Charter School (LVCS) charter petition July 14, 2010 for a site-based program and local independent study program in Doyle. The SBE is aware of a number of issues indicating that LVCS may have committed material violations of the conditions, standards, and procedures set forth in the charter.

These violations are detailed in the Notice of Violation issued on March 8, 2012, as provided in Attachment 1.

BRIEF HISTORY OF KEY ISSUES (Cont.)

In considering the LVCS petition, the CDE reviewed and analyzed the following:

- The LVCS petition, as provided in Attachment 3
- LVCS budget information
- LVCS educational and demographic data of the schools where pupils would otherwise be required to attend, as provided in Attachment 4
- Site visits to proposed resource facilities

After thorough review, the CDE finds that the LVCS petition did not meet the standards and criteria set forth in *EC* 47605, specifically in the following areas:

Facilities

Two out of the three current resource centers addressed in the material revision and used for independent study do not have a certificate of occupancy for educational use nor are they compliant with the Americans with Disabilities Act. Pursuant to *EC* 47610, charter schools are required to comply with the California *Building Standards Code*. *California Code of Regulations*, Title 5 Section 14001 sets forth minimum standards for school facilities and housing and requires that educational facilities be designed to meet federal, state and local statutory requirements for structure, fire and public safety (e.g., the California *Building Standards Code*). The 2010 California *Building Standards Code*, Title 24, Part 2, Chapter 1, Section 1.1.2 provides that "[t]he purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; and to provide safety to fire fighters and emergency responders during emergency operations." The legislature has acknowledged the importance of the *Building Standards Code* by expressly exempting the California *Building Standards Code* from those laws of which charter schools are generally exempt. *EC* 47610. Importantly, Section 305 of the *Building Standards Code* states that "Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by more than six persons at any one time for educational purposes through the 12th grade."

Sound Educational Practice

The LVCS charter petition is not consistent with sound educational practice. The LVCS petition had no description of the criteria used to identify low or high achieving students. There is no criteria that triggers English learner (EL) students to be reclassified, no description of a plan to monitor reclassified EL students and no detail on annual benchmark goals

BRIEF HISTORY OF KEY ISSUES (Cont.)

for EL students. LVCS is still in the process of acquiring approval of their high school a–g courses and attaining their WASC accreditation renewal. The LVCS independent study program offers instruction at its resource centers. A sample schedule was provided as presented in Appendix A, but there are no details regarding mandatory attendance for instructional offerings. Furthermore, core subjects appear to be offered only four days a week. Importantly, CDE staff recently conducted site visits of the three resource centers operated by LVCS. CDE staff noted safety concerns and compliance issues.

Ability to Successfully Implement the Intended Program

During the 2011–12 school year LVCS had teachers misassigned and/or not highly qualified. LVCS made an attempt to remedy this by providing the CDE with a plan that includes future training and hiring policies. While a plan was submitted, it is unlikely that all teachers will be highly qualified and properly assigned by the start of the 2012–13 school year. The plan proposed for all staff to become highly qualified may take up to three years to complete and is contingent on successful course completion.

Description of Educational Program

The petition did not present a reasonably comprehensive description of the educational program. The LVCS petition lacks criteria to define what constitutes a low achieving student or high achieving student. There is no criteria that triggers EL students to be reclassified, no description of a plan to monitor reclassified EL students and no detail on annual benchmark goals for EL students.

Measureable Pupil Outcomes

The LVCS petition did not present a reasonably comprehensive description of measurable pupil outcomes. The LVCS charter renewal petition contains descriptions of student skills that reflect the school's educational objectives; however, the skills which reflect the school's educational objectives are not measurable. Additionally, the LVCS petition fails to address the California English Language Development (CELDT), Physical Fitness Test (PFT), and California High School Exit Examination (CAHSEE) goals.

Effect on Authorizer and Financial Projections

The school did not provide a 3-year budget or cash flow projections. Data submitted to the CDE include a budget and cash flow projections for the current fiscal 2011–12 year only. Importantly, if the resource centers operate in violation of the ADA, LVCS may lose its federal funding, which will impact LVCS' fiscal soundness.

Academically Low Achieving Pupils

The LVCS charter petition does not demonstrate the capability of providing comprehensive learning experiences to pupils identified by the petitioners as

BRIEF HISTORY OF KEY ISSUES (Cont.)

academically low achieving. In the last five years, LVCS has decreased 18 points in their Academic Performance Index (API). Additionally, LVCS did not meet their API goal during the 2010–11 school year.

Overall the CDE did not find the LVCS charter petition to meet the standards and criteria in *EC* Section 47605.

Should the SBE approve the LVCS petition then substantial revisions, conditions, and technical amendments are needed. As recommended in the CDE staff analysis, as provided as Attachment 2.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION ACTION AND DISCUSSION

A Notice of Violation was issued by the SBE to LVCS on March 8, 2012.

On July 14, 2010, the SBE approved the LVCS charter petition on appeal.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of LVCS, per se, has essentially no fiscal impact on the state as a whole. If affected students were not being served at LVCS, they would most likely be served at another public school. The CDE receives approximately one percent of LVCS's general purpose and categorical program revenues for CDE's oversight activities.

ATTACHMENTS

Attachment 1: Letter Dated March 8, 2012, to Cindy Henry, Director, LVCS - Notice of Violation Pursuant to California *Ed Code* Section 47607(d) (6 Pages)

Attachment 2: California Department of Education Charter School Petition Review Form Long Valley Charter School (28 Pages)

Attachment 3: Long Valley Charter School Revised Charter (73 Pages)

Attachment 4: Long Valley Charter Academic Achievement and Enrollment Data (9 Pages)

Attachment 5: Long Valley Charter School Appendices (This attachment is not available for Web viewing. A printed copy is available in the SBE Office.) (185 Pages)

Attachment 6: Letters from Local Authorities and Landlord Regarding Certificates of Occupancy (6 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

March 8, 2012

Cindy Henry, Director
Long Valley Charter School
436-965 Susan Dr.
Doyle, CA 96109

Bill Harkness, President of the Long Valley Charter School Board of Directors
Long Valley Charter School
436-965 Susan Drive
Doyle, CA 96109

Subject: Notice of Violation Pursuant to California *Education Code* (*EC*) Section 47607(d)

Dear Ms. Henry and Members of the Long Valley Charter School Board of Directors:

The State Board of Education (SBE) is aware of a number of issues indicating that Long Valley Charter School (LVCS) may have committed material violations of the conditions, standards, and procedures set forth in the charter and may have violated *Education Code (EC)* Section 47605(l). Specifically, the items of concern are as follows:

Violation of the Conditions of the Charter (*EC* Section 47607[c][1])

- **Resource Centers:** In the petition originally submitted to the SBE for approval in July 2010, LVCS provided a description of an independent study program that made no mention of separate resource centers, and tied the operation of the independent study program to the resources at the K–8 site in Doyle. The petition listed the address of the Doyle site as its only location. A condition of opening placed on LVCS by the SBE at the time of approval was that the petition include "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." The original petition and these conditions are provided as Attachment 4.

  In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written approval of the Executive Director of the SBE, as required by the SBE Conditions on Opening and Operation. The CDE sent LVCS a Notice of Concern on June 20, 2011, regarding these resource centers to which LVCS

responded with a request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the September 28, 2011, ACCS meeting and the November 9, 2011, SBE meeting. After the agenda item was posted for the ACCS meeting, LVCS withdrew the material revision request on September 28, 2011, and requested it be postponed to a later meeting.

A second Notice of Concern was issued on October 18, 2011, to which LVCS responded with a second request for a material revision of its charter to include the resource centers

- **Enrollment**: The SBE approved the LVCS charter petition with enrollment of 272 students. Per the MOU between the SBE and LVCS, changes to the charter deemed to be material amendments may not be made without SBE approval, including changes in enrollment that differ by more than 25 percent of the enrollment approved by the SBE. This condition limits LVCS to a total of 340 students. After ongoing inquiries from CDE about fluctuating enrollment during the 2010–11 school year, in June of 2011, LVCS stated that enrollment had grown to 451 pupils. In the June 20, 2011, Notice of Concern, the CDE directed LVCS to comply with the approved enrollment. Despite receiving notices from CDE and ongoing communication between LVCS and the CDE, LVCS continues to increase enrollment. At the beginning of the 2011–12 school year, LVCS stated that enrollment had grown to 510 students. In the October 18, 2011, Notice of Concern, the CDE again directed LVCS to comply with the terms of the charter. As of January 4, 2012, LVCS enrollment was reported at 498 students. Details regarding fluctuations in enrollment are provided as Attachment 5. Other than submitting a request for a material revision, LVCS has failed to address this concern and continues to enroll new students.

- **Brown Act:** The LVCS petition provides assurance that LVCS shall comply with the Brown Act. The LVCS governing board violated the Brown Act on April 21, 2010, and August 23, 2010 as follows:

    a) April 21, 2010 (Regular Meeting): The LVCS governing board made a provisional appointment of a new board member during closed session, violating its own by-laws as well as the Brown Act. The Board returned from closed session and announced it had appointed a board member, Mr. Bill Harkness.

    b) August 23, 2010 (Special Meeting): The LVCS governing board met in closed session to take action to pay contractor Skip Jones $32,000 and to pay off the entire balance of a separate invoice from Mr. Jones on October 1, 2010. There was no mention of this on the agenda for the closed session, and the action was later reported as action taken in closed session.

- **Conflict of Interest:** The LVCS petition does not address conflict of interest; however, the LVCS governing board adopted LVCS Board Policy #17 regarding

conflicts of interest, which states, “zero percent of the persons serving on the Board of Directors may be ‘interested persons,” including as independent contractors. One or more members of the LVCS board may have acted in conflict with this policy as identified below.

1. The LVCS board took the following actions regarding a building remodeled in the summer of 2010 that was intended to be used by LVCS. (Days prior to school opening in 2010, LVCS regained its lease with the Fort Sage Unified School District, and as a result, did not use the remodeled building for its site-based program as intended.

    a) June 21, 2010, Board Member Harkness voted for the school to sign a contract with building contractor, Mr. Jones. Board Member Harkness is a subcontractor for Mr. Jones and, therefore, may have had a financial interest in the contract.

    b) June 29, 2010, Board Member Harkness voted in favor to expand the scope of the remodel project. Because Board Member Harkness may have been working on the project, he may have had a financial interest in the expansion of the scope of the project.

    c) August 23, 2010, Board Member Harkness voted in favor to have LVCS pay all of the school remodel expenditures in full. Note: the original remodel project bid was $44,000; by the end of the project, LVCS spent approximately $165,000. The CDE believes that Board Member Harkness may have had a financial interest.

2. In addition, on August 12, 2010, the LVCS board approved the purchase of 112 acres of undeveloped land, which was apparently owned by an LVCS employee who may have had a financial interest in the transaction.

    In response to the CDE’s concerns regarding actions taken by the LVCS governing board, on October 27, 2011, LVCS delivered a request for a material revision of the charter that also included information about board trainings and a board evaluation conducted by an outside contractor. However, the CDE did not find evidence that all board members participated in the training or that the training included information about conflict of interest or the Brown Act, as handouts included in the binder advised that each state had different laws regarding open meetings. The handouts did not specifically reference any California law. In addition, the recommendations made by the outside contractor included, among other things, the need for internal fiscal controls and greater transparency regarding board actions. However, as of January 26, 2012, no evidence has been provided that the LVCS board acted to address any of the findings made by the outside evaluator.

- **Fiscal Capacity:** The LVCS petition describes a position of Financial Director/Business Advisor who acts as co-director and controller of all financial activities, as well as other duties. LVCS released its Financial Director/Business

Advisor on October 19, 2010. LVCS has contracted for outside services that address some of the duties assigned to this position, but to date has not filled this position. In a letter of response dated July 22, 2011, LVCS describes the redistribution of fiscal duties to other personnel, including the education director. However, the CDE has serious concerns regarding a lack of fiscal capacity as it seems unreasonable that one staff member can effectively conduct the duties of education director and much of the fiscal director. In addition, the CDE is concerned that the LVCS staff and/or governing board has sufficient oversight of or accountability to the back office provider.

- **Teacher Qualifications:** The LVCS petition states LVCS "shall comply with all applicable portions of the No Child Left Behind Act [NCLB]," and that "all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners." In response to inquiries from the CDE, LVCS has been providing evidence for determining if teachers are highly qualified. As of January 26, 2012, the CDE has determined that some LVCS teachers are not properly credentialed, highly qualified, and/or authorized to teach English learners. Specifically, the CDE finds evidence that –

    a. Some, but not all, LVCS teachers have an English learner authorization.

    b. Of the six teachers who are assigned to the site-based K–8 setting, no one is highly qualified to teach Algebra.

    c. Of the 21 teachers who teach independent study to grades kindergarten through twelve, it appears that 12 are properly credentialed and highly qualified to teach grades kindergarten through eight (K–8); however these 12 teachers may not be highly qualified for any classes in grades nine through twelve.

    d. There may not be highly qualified math teachers in grades nine through twelve at each resource center.

  The CDE continues to receive materials from LVCS regarding teacher qualifications, including the statement that LVCS is using a collaborative independent study model to ensure highly qualified teachers. However, the CDE has not yet been able to resolve these issues and/or determine if the program offered matches the collaborative model as described.

- **Independent Study Program**: The independent study educational program described in the LVCS petition relies on students' access to resources at the LVCS site-based program. Program objectives described in the petition include sharing the on-site resources after school hours, sharing community outreach programs and assemblies, and participating in extracurricular activities at the site-based Long Valley Charter School. LVCS has enrolled students who are not in reasonable proximity to the LVCS campus and cannot reasonably utilize the resources described in the petition for independent study students. In addition, it is not clear whether the teachers administering the independent study program

have access to the teacher training and development activities described in the petition.

In response to the CDE's letters of concern, LVCS is requesting a material revision of its charter to seek authorization to operate independent study resource centers separate from the facility in Doyle, where the site-based program is located.

Violation of Law (*EC* Section 47607[c][4])

- **Teacher Credentials:** In addition to issues regarding whether teachers are deemed highly qualified under the Elementary and Secondary Education Act, the CDE is concerned that not all LVCS teachers possess the proper certificates or permits required by *EC* Section 47605(l). The CDE has been unable to verify the credential of at least one teacher and has been unable to verify whether English learner pupils have been assigned to teachers who have authorization to teach English learners.

Pursuant to *California Code of Regulations*, Title 5, Section 11968.5.2, if the LVCS governing board chooses to respond, it shall take 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 shall be due by the end of the remedy period identified in the Notice of Violation.

(2) Attach to its written response supporting evidence of the refutation, remedial action, 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 may provide grounds sufficient to form the basis for an action to revoke the LVCS charter pursuant to *EC* Section 47607(c). On **May 9, 2012**, 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 **May 10, 2012**, at which time the SBE will determine whether sufficient evidence exists to revoke LVCS's charter. This letter serves as a formal Notice of Violation, pursuant to *EC* Section 47607(d) and *California Code of Regulations*, Title 5, Section 11968.5.2, and provides LVCS 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 by Sue Burr, Executive Director, SBE at 1430 N Street, Ste. 5111, Sacramento, CA, 95814 no later than the close of business (5:00 p.m. Pacific Standard Time) **April 3, 2012.**

If you have any questions regarding this subject, please contact Sue Burr, Executive Director, California State Board of Education, by phone at 916-319-0827 or by e-mail at sburr@cde.ca.gov.

Sincerely,

Michael W. Kirst

Dr. Michael Kirst, President
California State Board of Education

California Department of Education
Charter School Petition Review Form
Long Valley Charter School

Table 1. Key Information Regarding Long Valley Charter School	
Proposed Grade Span and Buildout Plan	Kindergarten through grade 12 (K-12). Growth plan to add up to 600 students by 2014–2015 school year.
Proposed Location	Doyle, CA for site based Kindergarten through grade 8 (K-8) program. Independent study resource centers located in Lassen, Shasta, and Plumas counties.
Brief History	Prior to State Board of Education (SBE) authorization July 14, 2010, Long Valley Charter School (LVCS) had been operating as a conversion charter school in the Fort Sage Unified School District (Fort Sage USD) since 2000. Fort Sage USD granted LVCS a renewal of its petition on November 17, 2004, for a five-year term from 2005 to 2010. The LVCS renewal petition was denied by the Fort Sage USD governing board on January 20, 2010. LVCS submitted an appeal to the Lassen County Board of Education that was denied on March 29, 2010.
Lead Petitioner	Cindy Henry, Education Director

Table 2. Summary of Required Charter Elements Pursuant to *Education Code* Section 47605(b)			
	Charter Elements Required Pursuant to *Education Code* Section 47605(b)	**Meets Requirements**	**Technical Amendments Necessary**
	Sound Educational Practice	No	
	Ability to Successfully Implement the Intended Program	No	
	Required Number of Signatures	N/A	
	Affirmation of Specified Conditions		Yes
1	Description of Educational Program	No	
2	Measureable Pupil Outcomes	No	
3	Method for Measuring Pupil Progress	Yes	
4	Governance Structure	Yes	
5	Employee Qualifications	Yes	
6	Health and Safety Procedures	Yes	
7	Racial and Ethnic Balance		Yes
8	Admission Requirements	Yes	
9	Annual Independent Financial Audits	Yes	
10	Suspension and Expulsion Procedures	Yes	
11	Retirement Coverage	Yes	
12	Public School Attendance Alternatives	Yes	
13	Post-employment Rights of Employees	Yes	
14	Dispute Resolution Procedures	Yes	
15	Exclusive Public School Employer	Yes	
16	Closure Procedures	Yes	
	Standards, Assessments, and Parent Consultation	Yes	
	Employment is Voluntary	Yes	
	Pupil Attendance is Voluntary	Yes	
	Effect on Authorizer and Financial Projections	No	
	Academically Low Achieving Pupils	No	
	Teacher Credentialing	Yes	
	Transmission of Audit Report	Yes	

Table 3. Summary of Recommended Technical Amendments	
Relevant Section of *Education Code* or *California Code of Regulations*, *Title 5*	**Recommended Technical Amendment**
EC Section 47605 (b)(4) ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**	The LVCS charter will need to include the required affirmations needed to comply with newly added language to *EC* Section 220.
***EC* Section 47605(b)(5)(G)** **5 *CCR* Section 11967.5.1(f)(7)**	The California Department of Education (CDE) recommends a technical amendment to the LVCS petition to ensure that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.

Summary of California Department of Education Evaluation

In considering the LVCS petition, the CDE reviewed the following:

- The LVCS petition
- LVCS budget information
- LVCS educational and demographic data of the schools where pupils would otherwise be required to attend
- Site visits to proposed resource facilities

After thorough review, the LVCS petition did not meet the requirements in the following areas:

- Sound Educational Practice
- Ability to Successfully Implement the Intended Program
- Description of Educational Program
- Measureable Pupil Outcomes
- Effect on Authorizer and Financial Projections
- Academically Low Achieving Pupils

Importantly, the CDE staff determined that parents and students in LVCS independent study program have higher performing independent study school options available to them.

Should the SBE approve the LVCS petition, then substantial revisions, conditions, and technical amendments are needed. In addition, LVCS included its Local Educational Agency Plan and School Achievement Plan as part of the charter petition. Due to the fluidity of such plans, the CDE recommends striking out the following as it appears on page 32 in the LVCS petition:

> The contents of the 2011–2012 Long Valley Charter Achievement Plan, attached as Appendix C, are incorporated herein as material provisions of the charter. Any subsequent School Achievement Plan shall also be considered a fully incorporated part of this charter.
>
> The contents of the 2011–2016 Local Educational Agency Plan, attached as Appendix D, are incorporated herein as material provisions of the charter. Any subsequent Local Educational Agency Plan shall also be considered a fully incorporated part of this charter.

Requirements for State Board of Education-Authorized Charter Schools

Sound Educational Practice	***California* EC *Section 47605(b)*** ***5* CCR *Section 11967.5.1(a) and (b)***
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE. For purposes of *EC* Section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either of the following: (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend.	
Is the charter petition "consistent with sound educational practice?"	**No**

The CDE finds the LVCS charter petition not consistent with sound educational practice.

- The LVCS petition does not present a reasonably comprehensive description of the educational program. The LVCS petition does not adequately describe what constitutes a low achieving student at LVCS. The LVCS petition does not describe the criteria in which LVCS may reclassify an English learner (EL) student nor monitor the EL student. LVCS states they are in the process of acquiring approval for their high school a–g courses. Additionally, their Western Association of Schools and Colleges (WASC) accreditation will expire at the end of the 2011–12 school year. LVCS states they are in the process to be renewed. Approval of LVCS high school a–g courses and WASC accreditation is not guaranteed.

- The LVCS petition does not present a reasonably comprehensive description of measurable pupil outcomes. The LVCS charter renewal petition contains descriptions of student skills that reflect the school's educational objectives; however the skills which reflect the school's educational objectives are not measurable. Additionally, the LVCS petition fails to address the California English Language Development (CELDT), Physical Fitness Test (PFT), and California High School Exit Examination (CAHSEE) goals.

- LVCS currently has teachers who are misassigned and not highly qualified. While a remedy plan was submitted, the plan was without a timeline for completion. The process to become highly qualified may last up to three years and is contingent on successful course completion. It is unlikely that all teachers will be highly qualified and properly assigned by the start of the 2012–13 school year.

- The LVCS independent study program offers instruction at its resource centers. A sample schedule was provided as presented in Appendix A, but there are no details regarding mandatory attendance for instructional offerings. Furthermore, core subjects appear to be offered only four days a week. This limited access to instruction is a concern considering in the last five years, LVCS has decreased 18 points in their Academic Performance Index (API). LVCS also did not meet their API goal during the 2010–11 school year. When comparing LVCS with other schools, the CDE staff found other available independent study schools that outperform LVCS.

- CDE staff recently conducted site visits of the three resource centers operated by LVCS. CDE staff noted safety concerns and compliance issues. Two out of the three current resource centers used for independent study are not compliant with the Americans with Disabilities Act nor have certificate of occupancy for educational use. Safety issues include obstruction of electrical boxes, free standing bookcases used to divide work areas, unlocked cellar access, and bathrooms not easily supervised. A letter from the CDE to LVCS regarding safety concerns and compliance issues of the resource centers has been sent.

Ability to Successfully Implement the Intended Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**

Evaluation Criteria
For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program:"

1. If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

2. The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.

3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).

4. The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to

Ability to Successfully Implement the Intended Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**
secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.	
Are the petitioners able to successfully implement the intended program?	**No**

The LVCS charter renewal petition demonstrates that the petitioners are not likely to implement the program as set forth in the charter petition.

- Based on financial data submitted with the revised petition, the CDE has concerns about the financial capacity of LVCS. The school did not provide a 3-year budget or cash flow projections. Data submitted to the CDE included a budget and cash flow projections for the current fiscal year only, 2011–12.

- LVCS governance and administration has a history of being unsuccessful with complying with the terms of a Memorandum of Understanding and conditions set forth in the LVCS charter. Specifically, the LVCS board violating the Brown Act, not complying with their own conflict of interest policy, increasing the school enrollment and operating resource centers without prior approval or pre-opening site visits to ensure compliance with the Americans with Disabilities Act. However, LVCS has submitted evidence of recent board training indicating 100 percent participation. It is uncertain whether the governance and administration will now comply with the terms of a memorandum of understanding and conditions set forth in the LVCS charter.

- The CDE is concerned about the expansion of their independent study high school program. LVCS is still in the process of acquiring approval of their a–g courses and attaining their WASC accreditation renewal. In the last five years, LVCS has decreased 18 points in their Academic Performance Index (API). Nor did LVCS meet their API goal during the 2010–11 school year. When comparing LVCS with other schools, the CDE staff found other available independent study schools that outperform LVCS.

- During the 2011–12 school year, LVCS had several teachers misassigned and or not highly qualified. LVCS has made an attempt to remedy this by providing CDE with a plan which includes future training and hiring policies. However, the process to become highly qualified may take up to three years to complete and is contingent on successful course completion. While a plan was submitted, it is unlikely that all teachers will be highly qualified and properly assigned by the beginning of the 2012–13 school year. Importantly, in the last five years, LVCS has decreased 18 points in their Academic Performance Index (API). LVCS also did not meet their API goal during the 2010–11 school year.

- LVCS has presented an unrealistic operational plan for the proposed and currently operating resource centers. CDE staff recently conducted site visits of the three resource centers operated by LVCS. CDE staff noted safety concerns

and compliance issues. Two out of the three current resource centers used for independent study are not compliant with the Americans with Disabilities Act nor have certificate of occupancy for educational use. Safety issues included electrical boxes obstructed, free standing bookcases used to divide work areas, unlocked cellar access, and bathrooms not easily supervised. A letter from CDE to LVCS regarding safety concerns and compliance issues of the resource centers has been sent.

Required Number of Signatures	***EC Section 47605(b)(3)*** **5 *CCR* Section 11967.5.1(d)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(3), a charter petition that "does not contain the number of signatures required by [law]"…shall be a petition that did not contain the requisite number of signatures at the time of its submission…	
Does the petition contain the required number of signatures at the time of its submission?	**Yes**

Comments:
The requisite number of signatures from meaningfully interested parents were included with the original charter petition.

Affirmation of Specified Conditions	***EC Section 47605 (b)(4)*** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).	
(1) [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to	Yes; Technical Amendments Needed To comply with amended *EC* Section 220

Affirmation of Specified Conditions	***EC Section 47605 (b)(4)*** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
pupils who reside within the former attendance area of that public school.	
(2) (A) A charter school shall admit all pupils who wish to attend the school. (B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. (C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.	Yes
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to [*EC*] Section 48200.	Yes
Does the charter petition contain the required affirmations?	**Yes; Technical Amendment Needed** To comply with amended *EC* Section 220

Comments:
The LVCS charter renewal petition contains the required affirmations.

Technical Amendment:
The CDE recommends LVCS amend its charter petition to ensure compliance with newly amended language to *EC* Section 220.

The 16 Charter Elements

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program…, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Yes
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	No
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Yes
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Yes
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	No
(G) Indicates how the charter school will meet the needs of students with disabilities, EL, students achieving substantially above or below grade level expectations, and other special student populations.	No
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Yes

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
If serving high school students, describes how district/charter school informs parents about: • transferability of courses to other public high schools; and • eligibility of courses to meet college entrance requirements Courses that are accredited by the Western Association of Schools and Colleges may be considered transferable, and courses meeting the University of California/California State University "a-g" admissions criteria may be considered to meet college entrance requirements.	No
Does the petition overall present a reasonably comprehensive description of the educational program?	**No**

Comments:
Long Valley Charter School (LVCS) provides a site-based educational program serving kindergarten through grade eight in Doyle, California. In addition, LVCS provides an independent study program serving kindergarten through grade twelve throughout Lassen county and the contiguous adjacent counties. The charter school's purpose is to provide opportunities for teachers, parents, pupils, and community members to improve pupil learning; encourage the use of different and innovative teaching methods; and provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

Plan for Low-Achieving Students
The plan for low-achieving students is described in the LVCS petition on page 19. The petition states that teachers will be trained to give attention to students with learning disabilities. Students will be identified by STAR results, EdPerformance Scantron (given three times a year) or through teacher and/or conversation with parent. Intervention strategies include using universal access supplements and online computer based skill builders. However, there is no description of what constitutes a low achieving student in the petition.

The LVCS petition states that the educational program of independent study lends itself to low achievers in that they are given appropriate curriculum designed to meet their needs. Additionally, weekly tutoring or classroom instruction is required when students have scored below basic in any core subject area.

LVCS will use a student success team (SST) meeting to address those students not responding to intervention. Goals and objectives are made and the student is monitored. If no progress, the SST will be revised as needed to address deficiencies and a referral for special education assessment may be made. Additionally, LVCS intends to use response to intervention, Title 1 services and after school tutoring for those students not meeting desired student outcomes.

Plan for High-Achieving Students
The plan for high achieving students is described in the LVCS petition on pages 19–20. It is stated that site based high achieving students are challenged and enriched by providing “an in-depth experience with each level of learning; exploring enrichment topics and compacting the curriculum.” Personalized learning through independent study provides an opportunity for high achieving students to develop a customized plan in each subject.

The LVCS petition states high achieving high school students may enroll at their local community college. If gifted in the areas of visual and performing arts, LVCS offers courses in art, music, and dance.

Plan for English Learners
The plan for EL students is described in the LVCS petition on pages 20–24.
The LVCS petition states that the school will comply with all applicable legal requirements for EL students as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. LVCS intends to implement policies to assure proper placement, evaluation, and communication regarding EL students and the rights of students and parents. However, there is no description of the criteria used to reclassify EL students and no plan described to monitor reclassified EL students.

Plan for Special Education Students
The plan for special education students is described in the LVCS petition on pages 24–28. The LVCS petition states that the school will comply with all applicable state and federal laws in serving students 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 Improvement Act.

The Charter School is an LEA member of the Lassen County Special Education Local Plan Area (SELPA) in accordance with *EC* Section 47641(a) and thus shall be solely responsible for its compliance with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms. The Lassen County SELPA receives all special education revenues and is responsible for the management of the special education budgets, personnel, programs, and services.

High School Graduation Requirements and Transferability
High school graduation requirements and transferability is described in the LVCS petition on pages 17–18. Parents/Students are informed during the enrollment process that LVCS has WASC accreditation but currently does not have a–g courses.

Currently LVCS states they are in the process of acquiring approval of their a–g courses. Additionally, their WASC accreditation expires at the end of the 2011–12 school year. LVCS states they are currently in process to be renewed.

The petition overall does not present a reasonably comprehensive description of the educational program.

- The LVCS petition lacks criteria to define what constitutes a low achieving student or high achieving student.

- In the section describing the English learner (EL) program there is no criteria which trigger students to be reclassified, no description of a plan to monitor reclassified EL students and no detail on annual benchmark goals for EL pupils.

The above items are considered significant deficiencies in a comprehensive educational program.

2. Measureable Pupil Outcomes	***EC* Section 47605(b)(5)(B)** **5 *CCR* Section 11967.5.1(f)(2)**
Evaluation Criteria Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	No
(B) Include the school's API growth target, if applicable.	Yes
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**No**

Comments:
Measureable pupil outcomes are described in the LVCS petition on pages 31–32. The LVCS student outcomes align with the California State content and performance standards. LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups. The LVCS 2011–12 school achievement plan (SAP) includes local measures for English language arts and attendance. The LVCS petition states the 2011-2012 LVCS SAP and any subsequent SAPs will be incorporated as material revisions of the charter. The LVCS SAP is located in Appendix C.

The LVCS charter renewal petition contains descriptions of student skills that reflect the school's educational objectives; however, the skills which reflect the school's educational objectives are not measurable. For example, the LVCS petition states on page 31:

Students will also continue to demonstrate the skills that Long Valley Charter School has determined are necessary to become a lifelong learner, including:

- Technology as a resource to increase knowledge
- Increased awareness of their environment and community
- An appreciation of visual and performing arts

While there is merit to the intention, it does not offer clear goals, assessment tools to be used, and/or benchmarks to determine the success.

The LVCS petition does not present a reasonably comprehensive description of measurable pupil outcomes.

- The LVCS petition does not describe local measurable pupil outcomes.

- The LVCS petition does not address the California English Language Development (CELDT), Physical Fitness Test (PFT), and California High School Exit Examination (CAHSEE) goals.

The above items are considered significant deficiencies in a comprehensive description of measurable pupil outcomes.

3. Method for Measuring Pupil Progress	***EC* Section 47605(b)(5)(C)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Yes
(B) Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.	Yes
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	Yes

Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**Yes**

Comments:
The LVCS charter petition presents a reasonable description of the methods to be used for measuring student progress. The LVCS charter petition states students are assessed in each of the core academic skill areas by a combination of ongoing authentic assessments. These assessments include the following measurement tools:

- Statewide assessment testing through the standardized testing and reporting program
- School adopted benchmark curriculum assessments
- The students' personal student goal plan
- Samples of student work (writing, projects, etc.)
- Self-evaluation by the student
- Demonstration of student's skills and knowledge through performance based instruction
- Observation and evaluation by teachers

Results of these assessments will be shared regularly with parents through the following means:

- Conferences and student goal plan reviews
- Progress reports and report cards
- Student testing and class/homework
- Publication of a school accountability report card annually
- Disclosing API each school year
- Disclosing adequate yearly progress each school year
- Disclosing the overall attendance rate
- Disclosing expected school-wide learning results

Furthermore, LVCS intends to conduct an annual program evaluation and will make the evaluation report available to the LVCS advisory council, the CDE and the SBE as requested.

4. Governance Structure	***EC* Section 47605(b)(5)(D)** **5 *CCR* Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	Yes
Does the petition present a reasonably comprehensive description of the school's governance structure?	**Yes**

Comments:
The LVCS petition presents a reasonably comprehensive description of the LVCS governance structure. LVCS is incorporated as a non-profit public benefit corporation and is governed by a five member board of directors in accordance with bylaws that have been adopted by the LVCS board. The board of directors includes representatives from parents and LVCS staff. The LVCS board of directors will act in full compliance with the Brown Act, conflicts laws and the Political Reform Act.

The LVCS petition states they will have an Advisory Council comprised of equal members of staff and parent/community members that will address school wide problems and submit policies to the board of directors for approval.

The LVCS petition states that parents will have an opportunity to participate in the governance of the school as stakeholders on the board of directors and members of the Advisory Council. The Advisory Council is tasked with developing parental involvement strategies and policies for submission to the board of directors.

The LVCS board attended recent Brown Act and Conflict of Resolution training. LVCS submitted training materials and a sign in sheet reflecting 100 percent LVCS board participation.

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications (of the school's employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	No
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	No
Does the petition present a reasonably comprehensive description of employee qualifications?	**No**

Comments:
The LVCS charter petition does not present a reasonably comprehensive description of employee qualifications. It is described that all of LVCS teachers will be deemed highly qualified as required by the federal Elementary and Secondary Education Act, however, there are teachers currently employed by LVCS who are not considered highly qualified. LVCS has made an attempt to remedy this by providing the CDE with a plan that includes future training and hiring policies. While a plan was submitted, it is unlikely that all teachers will be highly qualified and properly assigned by the start of the 2012–13 school year. The process to become highly qualified may take up to three years and is contingent on successful course completion.

All LVCS teachers in the site based program are required to have a cross-cultural, language, and academic development (CLAD) certification or California commission on teacher credentialing (CTC) recognized equivalent certification. All LVCS independent study teachers who teach EL students are also required to have a CLAD certification or CTC recognized equivalent certification.

The school currently contracts with the Charter School Management Corporation (CSMC), Inc., for back office services. Considering the absence of finance experience in staff qualification of the director, should the school terminate the agreement with CSMC, it is recommended that another back office provider be selected or a qualified business manager be hired at the school. The current director does not appear to have the administration experience described in the staff qualifications.

6. Health and Safety Procedures	***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**
Evaluation Criteria The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Yes
Does the petition present a reasonably comprehensive description of health and safety procedures?	**Yes**

Comments:
The LVCS charter petition does present a reasonably comprehensive description of health and safety procedures to be used at the school. LVCS commits to a comprehensive set of policies and procedures to ensure the health and safety of staff and students including the following requirements:

- LVCS employees, contractors, and volunteers are required to submit to a criminal background check and furnish a criminal record summary prior to employment and/or any individual contact with pupils as required by *EC* sections 44237 and 45125.1.

- LVCS requires tuberculosis testing of all employees.

- LVCS employees, contractors, and volunteers are required to submit to fingerprinting and background clearance prior to employment, contract of service, volunteering, or any unsupervised contact with pupils of LVCS.

- LVCS will adhere to all laws requiring immunizations for entering pupils to the same extent required for enrollment in noncharter public schools.

- LVCS will adhere to vision, hearing, and scoliosis screening as required by *EC* Section 49450.

- LVCS will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to *EC* Section 49452.7.

7. Racial and Ethnic Balance	***EC* Section 47605(b)(5)(G)** **5 *CCR* Section 11967.5.1(f)(7)**
Evaluation Criteria Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Yes; Technical Amendment Needed**

Comments:
The LVCS charter petition does present a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school. LVCS will employ outreach activities to achieve racial and ethnic balance and to be reflective of the schools of the local school district. As LVCS operates resource centers within its county and adjacent counties, further efforts will be made and regularly reviewed to reflect racial and ethnic balance within each community where its resource centers are located.

LVCS commits to the following related to achieving racial and ethnic balance:

- An enrollment process and timeline that allows for a broad-based recruiting and application process

- Development of materials in languages other than English

- Service of Spanish speaking staff to facilitate communication

Technical Amendment:
The CDE recommends LVCS amend its charter petition to ensure that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.

8. Admission Requirements, If Applicable	***EC* Section 47605(b)(5)(H)** **5 *CCR* Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	**Yes**

Comments:
The LVCS petition presents a reasonably comprehensive description of admission requirements to be used at the school. LVCS commits to conducting a public random drawing if more applications are received than there is capacity. LVCS will give admission preference to pupils who reside within the former attendance area of Long Valley School, as required of conversion charter schools under *EC* Section 47605(d)(1). LVCS will also extend admission preference to siblings of existing pupils of the charter school, children of employees of the school, children on the wait list from the previous year and all other district residents.

9. Annual Independent Financial Audits	***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	Yes
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.	Yes
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	Yes
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**Yes**

Comments:
The LVCS charter petition does present a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted.

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	Yes
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in…regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	Yes
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**Yes**

Comments:
The LVCS charter petition does present a reasonably comprehensive description of suspension and expulsion procedures to be used by the school.

11. California State Teacher Retirement System, California Public Employees Retirement System, and Social Security Coverage	***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**
Evaluation Criteria The manner by which staff members of the charter schools will be covered by California State Teacher Retirement System (CALSTRS), California Public Employees Retirement System (CALPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?	**Yes**

Comments:
The LVCS charter petition does include a reasonably comprehensive description of the retirement programs offered by the school and the designated staff responsible for the arrangements of coverage.

12. Public School Attendance Alternatives	***EC* Section 47605(b)(5)(L)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes**

Comments:
The LVCS charter petition does present a reasonably comprehensive description of the public school alternatives available to LVCS students found on page 62 of the LVCS petition.

13. Post-employment Rights of Employees	***EC* Section 47605(b)(5)(M)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Yes**

Comments:
The LVCS charter petition does present a reasonably comprehensive description of the post-employment rights of LVCS employees found on page 63 of the LVCS petition.

14. Dispute Resolution Procedures	***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.	Yes

(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a LEA, the SBE may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	Yes
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.	Yes
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**Yes**

Comments:
The LVCS charter petition does present a comprehensive description of the school's dispute resolution procedures.

15. Exclusive Public School Employer	***EC* Section 47605(b)(5)(O)** **5 *CCR* Section 11967.5.1(f)(15)**
Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the *Government Code*), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).	
Does the petition include the necessary declaration?	**Yes**

Comments:
The LVCS charter petition does make clear that LVCS shall be deemed the exclusive public school employer of charter school employees for the purposes of the EERA. Found in the affirmations and assurances section on page 3 of the LVCS petition.

16. Closure Procedures	***EC* Section 47605(b)(5)(P)** **5 *CCR* Section 11967.5.1(f)(15)(g)**
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	**Yes**

Comments:
The LVCS charter petition does include a reasonably comprehensive description of closure procedures pursuant to *EC* Section 47605(b)(5)(P) and 5 *CCR* sections 11962 and 11962.1.

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

Standards, Assessments, and Parent Consultation	***EC* Section 47605(c)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**

Comments:
The LVCS charter petition does state that LVCS will meet all statewide standards and conduct all required state-mandated pupil assessments. The petition also includes a commitment by LVCS to consult regularly with parents and teachers regarding the school's educational programs in the affirmations and assurances found on page 4 of the LVCS petition.

Employment is Voluntary	***EC* Section 47605(e)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:
The LVCS charter petition does state that no public school district employee shall be required to work at the charter school found on page 63 of the LVCS petition.

Pupil Attendance is Voluntary	***EC* Section 47605(f)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:
The LVCS charter petition does state that enrollment at LVCS is entirely voluntary on the part of the pupils found on page 42 and page 62 of the LVCS petition.

Effect on Authorizer and Financial Projections	***EC* Section 47605(g)** **5 *CCR* Section 11967.5.1(c)(3)(A–C)**
Evaluation Criteria …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:	
• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.	Yes
• The manner in which administrative services of the school are to be provided.	Yes
• Potential civil liability effects, if any upon the school and the SBE.	Yes
The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation.	No
Does the petition provide the required information and financial projections?	**No**

Comments:
The school did not provide a 3-year budget or cash flow projections. Data submitted to the CDE include a budget and cash flow projections for the current fiscal year only, 2011-12. The CDE still has concerns regarding the fiscal capacity of LVCS. LVCS is currently using back office (CSMC) support, the staff qualifications do not include fiscal expertise or experience for the administrative team. This is also missing in the LVCS personnel policy and job description of the administrative assistants.

Academically Low Achieving Pupils	***EC* Section 47605(h)** **5 *CCR* Section 11967.5.1(f)(1)(F–G)**
Evaluation Criteria In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032 as it read prior to July 19, 2006.	
Does the petition merit preference by the SBE under this criterion?	**No**

Comments:
The LVCS charter petition does not demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving. The LVCS petition lacks criteria to define what constitutes a low achieving student. In the last five years, LVCS has decreased 18 points in their Academic Performance Index (API). Nor did LVCS meet their API goal during the 2010–11 school year.

Teacher Credentialing	***EC* Section 47605(l)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.	
Does the petition meet this requirement?	**Yes**

Comments:
While the LVCS charter petition indicates that teachers at LVCS will be credentialed as required by law in the affirmations and assurances found on pages 3–4 in the LVCS petition, the CDE has concerns over the teacher misassignments during the 2011–12 school year.

Transmission of Audit Report	***EC* Section 47605(m)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…, and the CDE by December 15 of each year.	
Does the petition address this requirement?	**Yes**

Comments:
The LVCS charter petition does provide a reasonable description of the transmission of the annual audit report.

Note: This document includes MS Word Track Changes notation to indicate content changes from a previous version submitted by Long Valley Charter School.

CHARTER

OF THE

LONG VALLEY CHARTER SCHOOL

A CALIFORNIA PUBLIC CHARTER SCHOOL

~~**Whereas** the Governing Board of the Fort Sage Unified School District received a valid charter petition on November 18, 2009 submitted pursuant to Education Code Section 47605, and~~

~~**Whereas** the Governing Board of the Fort Sage Unified School District, after holding a public hearing on December 16, 2009 and considering the level of parent and staff support, has determined that the applicants have assembled and presented a valid and meritorious charter petition for renewal of the Long Valley Charter School charter;~~

~~**Resolved** that the Governing Board of the Fort Sage Unified School District hereby approves and grants this charter petition renewal by a vote of ___ to ___ on January 20, 2010 for a period of five years beginning July 1, 2010.~~

~~**Be it further resolved** that this charter constitutes a binding contract upon the Fort Sage Unified School District and Long Valley Charter School.~~

~~**Witnessed**:~~

_____

~~President~~
~~Board of Trustees~~
~~Fort Sage Unified School District~~

Renewed July 2010
Material Revision February 2012

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[1] The Table of Contents has been updated for the requested material revisions.

AFFIRMATIONS/ASSURANCES

Long Valley Charter School (the "Charter School"):

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]

- Shall be deemed the exclusive public school employer of the employees of Long Valley Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]

- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]

- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]

- Shall admit all students who wish to attend Long Valley Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Sections 47605(d)(2) and 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]

- Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]

- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.

- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]

- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]

- Shall at all times maintain all necessary and appropriate insurance coverage.

- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).

- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]

- Will follow any and all other federal, state, and local laws and regulations that apply to Long Valley Charter School including but not limited to:

  - Long Valley Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.

  - Long Valley Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.

  - Long Valley Charter School shall comply with any jurisdictional limitations to locations of its facilities.

  - Long Valley Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.

  - Long Valley Charter School shall comply with all applicable portions of the No Child Left Behind Act.

  - Long Valley Charter School shall comply with the Public Records Act.

  - Long Valley Charter School shall comply with the Family Educational Rights and Privacy Act.

  - Long Valley Charter School shall comply with the Ralph M. Brown Act.

  - Long Valley Charter School shall meet or exceed the legally required minimum number of school days.

- Long Valley Charter School shall comply with all laws related to independent study in charter schools including but not limited to Education Code Sections 47612.5 and 51745, *et seq.*

Material Revision

The Education Director, on behalf of the Board of Directors for the Long Valley Charter School, ("Charter School") hereby requests State Board approval of the enclosed material revisions. The material revisions to the Long Valley Charter School charter have been requested in accordance with the Memorandum of Understanding ("MOU") between the State Board of Education ("SBE") and the Long Valley Charter School to increase enrollment and operate resource centers beyond that which was described in the original charter. The Board of Directors for the Charter School acknowledged its violation of the MOU by failing to seek the approval of the SBE prior to increasing enrollment and opening its resource centers beyond that which was described in the original charter. The request for this material revision seeks to remedy the error made by the Charter School.

As a necessary corollary to the material revision request, additional detail has been provided in the charter document, in the education program section, and elsewhere, to demonstrate to the State Board of Education and California Department of Education that Long Valley Charter School can successfully implement its requested expansion. The original charter approved by the State Board of Education in July 2010 was limited to that which had been submitted to the Fort Sage Unified School District's consideration prior to appeal and approval to the State Board of Education. As a condition to its approval in July 2010, the State Board of Education also required that technical amendments be made to the charter. Long Valley Charter School submitted those technical amendments in November 2010, but the State Board of Education did not approve them. As such, this document also includes the technical amendments required as a condition to the charter approval in July 2010. Finally, the revisions requested herein reflect revisions necessary to address concerns raised by the California Department of Education ("CDE") in response to the expansion of the Charter School and as raised by the Advisory Commission on Charter Schools ("ACCS") when they approved a recommendation that the Charter School be issued a Notice of Violation pursuant to Education Code Section 47607.

Long Valley Charter School recognizes that the reduction of enrollment and closure of resource centers is the most obvious cure for the concerns raised by the CDE and the ACCS. However, the Charter School seeks this material revision in lieu of reducing enrollment and closing resource centers for the following reasons:

1) the Charter School does not believe that disenrollment of pupils already enrolled in the school is a legal option and does not meet the best interest of the pupils enrolled in the Charter School.
2) the Charter School believes that the charter school is stronger both academically and fiscally due to the increased enrollment and additional resource centers serving its students;
3) the Charter School does not wish to impede the enrollment of students who choose to enroll in the Charter School who are otherwise legally eligible for enrollment;

I. Educational Program

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an 'educated person' in the 21st century, and how learning best occurs. The goals identified in the program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

~~Each semester as high school students enroll in the Independent Study program, their education facilitator meets with the student and parent to inform them about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Parents are informed that the Charter School is accreditied by the Western Association of Schools and Colleges.~~

* *If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(b)(5)(A)(ii).*

Introduction

Long Valley Charter School provides a hybrid model of education offering both a classroom based facility for K-8 students in Doyle and a K-12 independent study/personalized learning approach in Lassen County and its contiguous counties. The charter school's purpose is to provide opportunities for teachers, parents, pupils, and community members to improve pupil learning; encourage the use of different and innovative teaching methods; and provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system.

~~For the last five years, Long Valley Charter School has maintained an API exceeding 700. In three of those five years, the API has been 740 and above. LVCS has also met AYP for the last three years by encouraging all of our Second through Eleventh Grade students to participate in the State required standardized testing. By offering tutoring for CAHSEE test preparation, the CAHSEE passing rate has increased. In addition, a number of our students have had the honor of having works published by Creative Communications. Several of our high school students enter colleges and universities upon graduation each year.~~

~~Further, regarding the financial condition of Long Valley Charter School, with each audit the Charter School has complied with all state and federal laws and regulations and has continuously maintained adequate reserves.~~

Vision. It is our privilege, as an educational community, to help each child achieve his/her highest potential, to provide opportunities for self-discovery, and to prepare students for the challenges of a rapidly changing world.

Mission Statement. The mission of Long Valley Charter School is to equip rural students with the educational skills necessary in the 21st century – the ability to read, write, speak, and calculate with clarity and precision, and the ability to participate intelligently and responsibly in a global society. Long Valley Charter School offers alternative choices through site-based learning, independent study and distance learning, to enable students to acquire the knowledge necessary to make a difference in their lives. Long Valley Charter School provides a diverse, student-centered environment in which all students are held to high academic and behavioral standards. Students work in collaborative relationships, both within and outside the Charter School, and perform service to the community.

Our philosophy at Long Valley Charter School is: *"smart is not something you are, but something you get by working hard; knowledge is constructed."* This principle is based on the *Efficacy Approach*, which believes that all people have the ability, but not everyone knows how to get smarter. The first step is to believe you can get smarter, because if you believe you can, you will work hard. We help our students work hard, keep focused, stay committed, and develop alternative strategies when they encounter obstacles. We help them identify a goal, for example achieve a score of proficient on their ELA California Standards Test, and work diligently toward that target. If they don't learn the way we teach, we teach the way they learn.

People don't get smarter unless they are given the opportunity to challenge themselves in an area slightly beyond their current abilities and knowledge. This challenge area is beyond the "comfort zone" and before the area where the student becomes frustrated by too much challenge. Our responsibility is to supply opportunities for children to progressively increase their abilities through providing the challenges and knowledge necessary to succeed in life.

Students to be Served. Long Valley Charter School admission is open to any resident of California, grade levels K-8 for site-based study and any resident of Lassen County or the contiguous ~~adjacent~~ counties (Plumas, Sierra, Shasta and Modoc), grade levels K-12 for Independent Study. The Charter School began with its site-based program serving grades K-6, then evolved to include serving grades 7 and 8. Current enrollment at Long Valley Charter School for the Site-based program as of the conclusion of the Fall 2011 semester is ~~107~~ 97 students, and for the independent study program is ~~165~~ 375 students. Long Valley Charter School plans to expand its enrollment over its charter terms as follows:

School Year	**~~Weekly Average~~Maximum Enrollment[2]**
2011-12	525
2012-13	550
2013-14	575
2014-15	600

[2] Maximum enrollment on any given school day.

Long Valley Charter School operates in compliance with Education Code Section 47610(c), which requires the Charter School to comply with the minimum age for public school attendance and Education Code Section 47612 and Title 5 California Code of Regulations Section 11960 which establishes the maximum age for public school attendance~~. We will seek to reflect the general population group in the areas we serve.~~

Overall Program Goals.

The 21st Century Student. The Charter School believes that an educated person in the 21st century is someone who is a self-motivated, competent, and a lifelong learner. The learner has achieved the California State Standards in all core academics and is able to read, write, speak, and problem solve with clarity and precision. The learner is able to use digital technology and communication tools to access, manage, integrate, and evaluate information; to construct new knowledge; and to communicate effectively. The learner is able to think critically as well as to challenge and to question. Such a person understands the interrelationship of history, science, literature, and the arts. The student also has a thorough understanding of our national heritage. The learner has determined goals and direction for the future, while celebrating his or her strengths. It is the goal of this Charter to help instill in students a desire to use their acquired knowledge and skills to benefit their local community as well as the world in which they live. The Charter School will seek to develop in each student the following academic and personal skills: Curiosity, lifelong learning, clear oral and written communication, creative and critical thinking, logical thinking and the ability to make informed judgments, effective use of technology as a tool, adaptability to new situations and new information, problem solving and analytical skills, the ability to find, select, evaluate, organize, and use information from various sources, the ability to utilize small group work and learning centers, the ability to make easy and flexible connections among various disciplines of thought and learning methods, respecting others' individuality and creativity, as well as one's own, while seeking to work within teams to create common solutions.

As a by-product of developing these academic and personal skills, the Charter School believes that these skills develop the following personal habits and attitudes: Accepting responsibility for personal decisions and actions, academic honesty and the ability to face challenges with courage and integrity, a healthy lifestyle, empathy and courtesy for others and respect for differences among people and cultures, self-confidence and willingness to risk setbacks in order to learn, concentration and perseverance, self-motivation and competence, managing time in a responsible manner, seeking a fair share of workload, working cooperatively with others that includes the ability to listen, share opinions, negotiate, compromise, and help a group reach consensus.

Student Goal Plan. All students deserve the opportunity to develop interests, uncover hidden talents, experience satisfaction and accomplishments. Activity Based Assessments, Multiple Intelligence Assements, and True Colors Workshops are tools that may be used to help students discover more about themselves and their peers. Each student enrolled in the Charter School has an opportunity to develop a Student Goal Plan (SGP). This is an individually defined program created by the teacher, the parent and student, to set achievement goals for academic progress. The SGP is closely tied to measurable student outcomes and assessment procedures, and is periodically reviewed by the student, teacher, and parents. Students and parents receive

assessment reports throughout the year, which indicate the students' progress toward the goals outlined in their SGP. Students also receive report cards appropriate for their grade level. Students in the grades K-3 site-based program receive Standards Based Report Cards. Students in the grades 4-8 site-based program receive report cards with traditional letter grades and the report card system is evolving to the Standards Based Report Cards. Independent study students receive grade appropriate report cards with traditional marks.

Community Outreach Program. The Community Outreach Program is designed to bring a wide variety of educational information to our students through multiple methods. Long Valley Charter School utilizes the community as a learning resource at the Charter School through visiting experts, field studies, mentors, and possibly student internships. The staff has developed partnerships with community colleges, universities, professional and humanities groups, and performing and visual arts groups to expose ~~the~~ students to career opportunities and cultural enrichment. Our purpose is to give ~~our~~ children the opportunity to dream about the multiple possibilities for their future.

Community Service Goals. Long Valley Charter School site based and Independent Study students have the opportunity to design and implement community service projects annually under the guidance of school staff and volunteers This level of involvement with the community better prepares students for their roles as global citizens.

~~***Overall Program Goals and Base for the Vision***. Long Valley Charter School's goal is to develop students who are competent, self-motivated, life long learners. Students shall possess skills, habits and attitudes to be successful throughout life. By providing a vehicle for meaningful parental involvement, we bridge the gap between school and home. Parents are the essential link in improving education. Students observe first hand their parents and teachers working together to make a difference. Long Valley Charter School identifies an educated person as one who possesses the following:~~

- ~~Knowledge of and ability to demonstrate solid skills in reading, writing, and speaking.~~
- ~~A core of knowledge which includes cultural, mathematical and scientific literacy.~~
- ~~Ability to:~~
  - ~~Think logically, critically, and creatively~~
  - ~~Understand technology and its uses, and the ability to use technology as a tool~~
  - ~~Find, select, evaluate, organize, and use information from various sources~~
  - ~~Accept challenges and utilize opportunities~~
  - ~~Develop comprehensive communication skills~~
- ~~Knowledge of pertinent health issues and the development of physical fitness.~~

~~The personal qualities we will help students develop are:~~

- ~~Cooperation, responsibility, confidence and productivity~~
- ~~Concentration and perseverance~~
- ~~Curious and inquisitive minds~~
- ~~Honesty and courage (Trustworthiness)~~
- ~~Respect and empathy for others and their views~~
- ~~The ability to negotiate, compromise, and assist in finding group consensus (Fairness)~~

- ~~The ability to appreciate, respect, and enjoy the visual and performing arts.~~

~~Families choose the Long Valley Charter School for a variety of reasons, which include:~~

- ~~Enhanced educational opportunities~~
  - ~~Emphasis on technology as a tool~~
  - ~~Expanded cultural exposure through visual and performing arts~~
  - ~~Community Outreach program~~
- ~~Community involvement~~
- ~~A cooperative, cohesive teaching environment~~
- ~~Multi-age groupings to allow students to progress at their ability level~~
- ~~Desire to have more control over the educational process~~
- ~~Lack of challenge in the previous school experience~~
- ~~Family philosophy, personal beliefs, and values~~

The Charter School consults with parents and teachers on a regular basis regarding the Charter School's education programs as required by the Charter Schools Act. Students that are not meeting the desired pupil outcomes are offered formal support programs such as Response to Intervention services, Title I services, and informal support programs such as after school tutoring.

Teaching Methodology: How Learning Best Occurs.

The Charter School believes learning best occurs when a variety of modes and methods of instruction are implemented, so all students will be held to high academic and behavioral standards. Long Valley Charter School considers itself a collaborative sanctuary where the efforts made by parents, teachers, administrators, and the community will help achieve the goal of making life-long learners out of all of our students.

Curricular materials for K-8 are chosen from the State adopted list and 9-12 materials are aligned to State standards. Each ~~curriculum~~ curricular area is evaluated by a team of teachers and modified to meet the needs of the students on an adopted cycle. Current core programs include:

- Reading
  - Houghton Mifflin Literature (K-6)
  - Prentice Hall Literature (7-~~8~~12)
  - AGS Literature (9-12)
  - Accelerated Reader (Renaissance Learning) (1-~~8~~12)
  - Glencoe Reader's Choice (9-12)
  - Read Naturally
  - Teacher Developed Units

- Language Arts
  - Houghton Mifflin Language (K-~~6~~8)
  - Prentice Hall Language (7-~~8~~12)

- Developmental Morphology (K)
- Step Up to Writing (2-8)
- Vocabulary and Literacy Skills (Renaissance Learning) (1-~~8~~12)
- The WRITE Institute
- Teacher Developed Units

- Mathematics
  - EnVision Math (Scott-Foresman) (K-6)
  - Progress in Math (Sadler-Oxford) (K-6)
  - McDougall Littell (7-8)
  - Prentice Hall (7-12)
  - AGS (9-12)
  - Holt (8-12)
  - Math Facts in a Flash (Renaissance Learning) (1-8)
  - Accelerated Math (Renaissance Learning) (1-8)
  - Teacher Developed Units
  - Touch Math

- Science
  - Houghton Mifflin (K-6)
  - Glencoe (7-~~8~~12)
  - Holt (9-12)
  - AGS (9-12)
  - Teacher Developed Units
  - Accelerated Reader literature selections

- Social Sciences
  - Houghton Mifflin (K-8)
  - Glencoe (9-12)
  - History Alive (7-8)
  - AGS (9-12)
  - Globe Feron 9-12)
  - Whispers of the First Californians
  - Whispers of the Mission Trails
  - Accelerated Reader literature selections
  - Teacher Developed Units

~~***Community Service Goals***. Long Valley Charter School site based and Independent Study students have the opportunity to design and implement community service projects annually, documenting their work in a portfolio and presenting it for display to the public in a community exhibition.~~

Site Based ~~Educational Objectives~~Program

The Doyle location offers a K-8 classroom based program with small class sizes and personalized attention. ~~Our purpose is to create a place where learning is viewed as a life longlifelong quest, where program objectives evolve with the needs of the students. We strive to:~~

- ~~Provide multi-age settings to encourage the development of pro-social attitudes of tolerance and responsibility~~
- ~~Teach students to effectively utilize technology to expand learning opportunities~~
- ~~Provide parents and students an expanded choice of educational opportunities~~
- ~~Create opportunities for all members of the Charter School to assume leadership roles and accept responsibility for the learning of all students~~
- ~~Provide and implement innovative teaching methods in an environment conducive to learning~~
- ~~Inspire active learning~~

  ~~Provide support for family based instruction~~

We are committed to best teaching practices that have been developed from a strong research base. Teachers deliver standards-based instruction and set high expectations for themselves and their students. We understand that using a variety of instructional models will yield best results. Teachers and support staff employ direct instruction, whole group modeling and demonstration, small group instruction, and individual conferencing in order to provide education that meets the needs of all learners. Students also learn through the use of concrete examples, manipulatives, and multi-sensory activities to develop conceptual understanding. An integrated curriculum based on state standards provides opportunities for teachers and students to address depth and complexity across disciplines and sets the stage for understanding, analyzing, applying, evaluating, and synthesizing new information. This enables students to demonstrate knowledge and skills on pencil and paper tasks or by way of performance-based assessments. A growing body of research has shown that student collaboration has a powerful effect on academic learning as well as on social development and the acquisition of academic language.

The classroom climate at Long Valley Charter School emphasizes cooperation and collaboration, fostering a dynamic environment that values the constructive nature of learning. Students learn from one another, their teachers, and other adults. Ongoing flexible grouping and regrouping within and between classrooms accommodates diverse learning needs and behaviors.

Teachers provide differentiated instruction tailored to the individual needs of each student to ensure success for all students regardless of their learning style, English language proficiency, or socio-economic background. Teachers begin with the state standards then use a variety of instructional methodologies to best fit the needs of their class and individual students. Through the use of pre-assessments, teachers determine where students are in relation to expected outcomes and then create multiple pathways for students to successfully reach interim steps on the way to proficiency. Student progress toward standards may be monitored through observation and formative assessments.

The Doyle site has a focus on character education; every Monday students are celebrated and acknowledged at the "Caught Being Good" assembly. Tradition is important to the entire constituency; annual events such as holiday programs, festivals, science fair, and Spring Sing witness great attendance and participation. The school serves as a center for the community.

~~***Independent Study Educational Objectives***. Long Valley Charter School supports and facilitates independent study for families interested in this type of an alternative educational program pursuant to Education Code Sections 47612.5(b) and 51745-51749.3, and the regulations specified in Title 5, California Code of Regulations, Sections 11700-11710, through:~~

- ~~Providing support for family based instruction~~
- ~~Lesson planning and consultation~~
- ~~Sharing Long Valley Charter School resources after school hours~~
- ~~Sharing Community Outreach programs and assemblies~~
- ~~Participation in extracurricular activities at Long Valley Charter School~~

~~***Community Outreach Program***. The Community Outreach Program is designed to bring a wide variety of educational information to our students through multiple methods. Long Valley Charter School utilizes the community as a learning resource at the Charter School through visiting experts, field studies, mentors, and possibly student internships. The Community Outreach Committee developed partnerships with community colleges, universities, professional and humanities groups, and performing and visual arts groups to expose the students to career opportunities and cultural enrichment. Our purpose is to give our children the opportunity to dream about the multiple possibilities for their future.~~

~~The Community Outreach Committee invites Independent Study students and students from Fort Sage School District (the "District") to share events with Long Valley Charter School. Long Valley Charter School has cooperative ventures with the other schools in the District such as Outdoor Education Camp, Lit Jam and Lit Fest that enhance opportunities for all families in our community.~~

~~***Student Goal Plan***. All students deserve the opportunity to develop interests, uncover hidden talents, experience satisfaction and accomplishments. Each student enrolled in the Charter School has an opportunity to develop a Student Goal Plan (SGP). This is an individually defined program created by the teacher, the parent and student , to set achievement goals for academic progress. The SGP is closely tied to measurable student outcomes and assessment procedures, and is periodically reviewed by the student, teacher, and parents. Students and parents receive assessment reports throughout the year, which indicate the students' progress toward the goals outlined in their SGP. Students also receive report cards appropriate for their grade level. Students in the grades K-3 site-based program receive Standards Based Report Cards. Students in the grades 4-8 site-based program receive report cards with traditional letter grades and the report card system is evolving to the Standards Based Report Cards. Independent study students receive grade appropriate report cards with traditional marks.~~

Independent Study Program. Long Valley Charter School utilizes the Personalized Learning method for Independent Study. This approach supports individual development, through choice

of curriculum aligned with state standards, engaging parents along with students in learning and goal setting, and provides classroom instruction at our learning centers, within the community, and through distance learning. The key to success in personalized learning is the guidance of an assigned certificated Teacher who guides students and parents through the individualized curriculum and learning modes, and provides direct instruction classes and tutoring at our resource centers. Our approach encourages students to be highly involved in the educational process, thereby becoming self-motivated, competent, lifelong learners.

At enrollment, our personalized learning/independent study approach begins with a careful analysis of the student's individual needs; based on STAR test data, school administered EdPerformance Scantron testing in Language Arts and Math, which reflects the student's progress to date, the student's learning modality, and strengths and weaknesses. Beginning with the very first meeting, we engage students, along with parents, in learning and goal setting. The Charter School teachers are trained to guide students into the correct courses for them, leading toward a high school diploma. Students who are performing at or above grade level standards are challenged to expand their learning opportunities and to pace themselves to achieve maximum success. Students who are academically low achieving are required to meet more frequently and receive direct instruction with the teacher or tutor. Both of these programs will be more fully explained in separate sections of this charter. The team of student, parent, and teacher continue to interact a minimum of once every 10 school days, determining the student's goals for each learning period, as well as how that will fit into his or her overall goals.

Independent Study Implementation. Interested parents or students will contact the school. An interview is scheduled to ensure that the parents and students understand the model and requirements of our program. An enrollment packet is completed which includes the mandatory immunization information, request for the cumulative file, etc. A teacher is designated to be the supervising teacher that student. A team is formed with the teacher, the parent and the student. During the initial meeting between all team members a discussion, using current standards-based assessments, and grades, of each core area helps identify the student's academic progress to date and any particular learning modalities and passions that the student has. Upon enrollment, parents, students and teachers enter into a semester Master Agreement which guides instruction throughout the semester. This Master Agreement specifies the courses to be completed as well as other mandatory requirements. At the elementary level, all students must complete a full standards-based language arts, math, science, social studies, and physical education course in addition to electives including music, art, etc. High school students must enroll in courses which will lead to the high school diploma as outlined in our high school graduation requirements.

Following enrollment, the parent/student/teacher team meets regularly to make assignments, evaluate progress, and utilize assessments to inform ongoing instruction. Proficiency in each learning area is monitored and recorded during the minimum of once every 10 school days learning meeting. The teacher records assignment completion and assures compliance with the Board's policies for Independent Study. If the student does not meet the work requirement, a missing assignment report is issued, mandatory weekly meetings are scheduled, and the parent/student/teacher team will begin a process to evaluate whether independent study is an appropriate placement for the student.

Parental involvement is critical as students/parents may choose to do all or a portion of their studies at home or at the resource centers. Parents are mentored by the teacher at each meeting. If the student is not performing successfully exclusively as an independent study student, the team works together to choose from the other options that include more direct instruction. Parents or guardians who enroll their children in this charter agree to be responsible in the participation and daily monitoring of their children's education. The parents serve as co-educators in their children's learning program and will also have the opportunity to play an active role in the governance and policy development of the school. Parents/Students may also choose to attend the resource centers for a large variety of core and enrichment classes. Classes will be formed based upon satisfying the school's standards of meeting student interest and need, and will be based upon age level, skill level, and other appropriate determining measures. Currently, the resource centers offer classes in language arts, math, social studies, science, and numerous electives. The Charter School standards include keeping class sizes to no more than 15 students wherever possible, so that qualified teachers may offer personalized learning services to students within the classroom. We create small communities in our resource centers where experimentation and creativity will flourish and children are known. Students who have difficulty adapting to traditional school settings will find the individualized nature of the personalized learning educational approach especially supportive of their unique needs and interests.

Attached, as Appendix A, please find a sample set of classes from our resource centers.

Connecting the Site-Based and Non-Site Based Program

Despite the geographic distances between the Long Valley Charter School locations, the school community is well connected. The school site and each resource center has Internet access, a computer lab, a large screen display and high definition camera. We use an Internet based video teleconferencing program for many face to face opportunities including:

- Delivering staff development topics
- Sharing student courses
- Advisory Council meetings
- Tutoring by Highly Qualified Teachers
- Increasing public participation in monthly Doyle-based Board meetings
- Weekly Leadership Team Meetings (Director & Asst. Directors)
- WASC Team Meetings

Since LVCS is based in Lassen County, it is welcomed to participate in county-wide activities. All resource centers are invited to take part in events such as the Literature Jamboree, Art Contest, and Science Fair. Field trips may be initiated by any location and are communicated to the others, creating opportunities and collaborations between varying groups of students and educators.

~~***Staff Enrichment Program**. Each member of the teaching staff at Long Valley Charter School provides and participates in the staff enrichment program. Each teacher chooses projects that mutually benefit the Charter School staff. These projects may be an innovative teaching method,~~

~~program or concept. Upon approval of the project by the Advisory Council, the Enrichment Teacher receives training, which they share with the rest of the staff through in-service. The Enrichment Teacher is responsible for providing staff support for this project throughout the year. The purpose of the Staff Enrichment Program is to improve the quality of education, build a cooperative, cohesive staff, promote shared responsibilities, and facilitate open communication among our educators.~~

High School Program Long Valley Charter School is accredited by the Western Association of Schools and Colleges through June 2012 with renewal currently in process. Courses for a-g approval will be submitted in anticipation of approval for the 2012-2013 school year. Until such time as approval is received, students are clearly notified during the enrollment process that courses do not meet the requirements for entry to UC/CSU programs.

The Charter School's graduation requirements and high school course of study are aligned with state and college admission requirements. Students entering the high school program through our own K-12 program, as well as students, who transfer from other high schools, meet with their assigned teacher to establish a high school graduation plan. High school students are assigned to a highly qualified teacher in each of the core subjects. A discussion of the impact of previous/future student coursework occurs during the enrollment meeting as well as ongoing teacher, parent and student meetings. Issues discussed include (1) how this new student's coursework from her/his previous school fits into the Charter School's graduation requirements, (2) how, therefore, to create and implement a personalized learning plan based on that previously completed coursework, and (3) how to best plan that particular student's coursework to fit into their personal goals (college, career), meet California's standards for high school graduation, and meet the Charter School's graduation requirements. Also a factor in the teacher/parent/student planning process is to fit that particular student's plan into their more immediate goals, which may include transfer back into their local, comprehensive high school. A transcript of all student work is maintained by the registrar and will be given to any school making a student cumulative file request. The coursework of prior schools will be indicated as well as the units earned through our program. We also inform our parents and students of the options available and the impact of those options.

Our high school learners, in consultation with their assigned supervising teacher and parent, may choose any combination of the following instructional options:

- Online courses such as Rosetta Stone language, Odysseyware courses, Apex advanced placement courses
- Resource center core classes with highly qualified teachers
- Elective classes at the resource centers or community based
- Textbook driven or project based independent studies
- Tutoring with highly qualified core subject teachers

Long Valley Charter School believes the best way to prepare students for life after high school is to ensure they graduate with a strong foundation in the core academic areas that will leave all doors open in the future. While continuing to improve upon the level of rigor of core subjects, we are additionally developing a career technical education (CTE) program. To begin,

we have offered electives of interest to students that include: Fashion Design, Design & Technology, Video Game Design, Hospitality Services, and Business Communications. We anticipate creating more focused "academies" that meld CTE and academic coursework by the 2013-2014 school year.

Based on increased research overwhelming supporting the benefits of earning a college degree, there is an emphasis placed on encouraging students to pursue a path leading to college. Upon entry to our program at any grade level, the supervising teacher begins the discussion of working hard, building skills, and attending college. Many of our students will become first generation college students and including parents in the discussion creates a powerful alliance toward that goal. Our rural environment offers several community college programs, making enrollment in a 2 year program realistic both geographically and financially. Students are encouraged to explore their interests, college programs, prepare for college tests, and take PSATs and SATs. Students also participate annually in college open houses, college-sponsored career day programs, and cash for college counseling nights. Students have the opportunity to earn college credit prior to graduation through concurrent enrollmen in online or campus-based community college courses. We currently have students attending Feather River College, Lassen College, Shasta College and Sierra College. Long Valley Charter School administrators have built relationships with the admissions and counseling departments at the institutions in each county to assure smooth entry for our students and compliance with the colleges' policies and procedures.

Graduates from the Charter School will be equipped with strong academic skills and highly developed computer and network/research skills that will enable them to qualify for jobs in an economy that is increasingly technology-centered. This charter intends to seek out relationships with corporations, foundations and organizations that can facilitate the highest quality educational opportunities for the enhancement of both the academic program and personal growth through apprenticeships and community service in business and professional environments prior to graduation.

Transferability and Eligibility of Courses. Each semester as high school students enroll in the Independent Study program, their supervising teacher meets with the student and parent to inform them about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Parents are informed that the Charter School is accredited by the Western Association of Schools and Colleges and is in the process, but does not currently have a-g accreditation[3]. When an independent study program high school student and his or her parents have the first meeting with their Education Facilitator, they are informed of the California high school graduation requirements and the courses required by the California State University system. Students are enrolled in the courses required for their individual goals that meet California high school graduation requirements. ~~Parents and students are informed that some high schools may not consider all courses transferable and that the Charter School is accredited with the Western Association of Schools and Colleges. The California State University system has accepted courses creditable under the "A" to "G" admissions criteria to meet college entrance requirements.~~

[3] When a-g accreditation is achieved, parents and students will be informed of such accreditation at the beginning of each semester.

Serving Academically Low-Achieving Students

All teachers are trained to give attention to students with learning challenges. These students may be identified initially through STAR test results. In addition, we administer our EdPerformance Scantron standardized testing (completed three times each year.) Low achieving students are also identified through regular interactions with their teacher, or through a conversation with the parent. The student's progress toward the goals and objectives are monitored and documented by the teacher. Some strategies include using universal access supplements and online computer based skill builders. If the student is successful with these interventions, the process is continued at that level. If the student's needs cannot be met through this process, a formal referral for an SST is made. Through the SST process, goals and objectives are further defined and monitored. Regular follow-up meetings are determined. If the student is not showing improvement, the SST will be revised as needed to address the deficiencies and a referral for assessment for consideration of eligibility under either the IDEA or Section 504 may special services isbe made.

The Charter School offers tutoring in the basic subjects for low performing student Independent Study during traditional school hours. We are using Scantron to establish base-line performance in the areas of reading, math and language arts for our Independent Study students only to help identify students' needs and to show student growth. It will also show us which students have advanced skills in these areas. Additionally, specific Sitesite-based students are assessed with assessments include DIBELS and the Scholastic Test of Achievement in Reading to establish both base-line and growth scores for reading. All students use the Accelerated Reader on-line reading assessment program. Site-based students are assessed with the Accelerated Math on-line program. All students are assessed in basic math skills using Math Facts in a Flash.

Site-based students who perform low in the area of reading are offered Title 1 teacher assistance as well as reading interventions in small group settings allowing for intensive reading instruction for an additional twenty minutes a day Monday through Thursday.

Specific to independent study, the personalized learning approach is inherently well suited for addressing the needs of students who are academically low achieving. Because an individualized plan is developed from the time of enrollment for all students, students who are assessed as academically low achieving are identified immediately. Appropriate curriculum is selected which is designed to meet the needs of these students in specific areas, and weekly tutoring or classroom instruction is required when students have scored below basic in any core subject area.

Serving Academically High-Achieving Students

AdvancedAcademically talented students at Long Valley Charter School are challenged and enriched in their regular classrooms at the site based program. Specific techniques utilized include providing an in-depth experience with each level of learning; exploring enrichment topics; and compacting the curriculum. Personalized learning through independent study provides an opportunity for high achieving students to develop a customized plan in each subject Independent Study Hhigh school students capable of college level work, may enroll at their local community college Limited concurrent enrollment for high school students is permissible in

some programs allowing students to earn credits prior to high school graduation. ~~in Barstow Community College on-line course work beginning in grade 9 based on STAR scores, report cards, and teacher observation or on campus at Lassen Community College to take course work for high school credit and if their parents choose to pay the tuition, students may earn their AA by the time they graduate from high school. We also offer several visual and performing arts options such as music, dance, and art for our students through private vendors.~~ For gifted student in the areas of visual and performing arts, we offer courses in art, music and dance taught by highly qualified staff or community experts.

Serving English Learners

Overview

The Charter School will meet all applicable legal requirements for English Learners ("EL") as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

The goals developed for English Learners correlate with existing Long Valley Charter School Board adopted goals for all students. A successful program for English learners is organized to provide equal access to the thinking, meaning centered core curriculum for all students. A relevant curriculum not only addresses the development of English communication, but also higher level thinking skills and academic proficiency. Relevance is achieved by focusing on key concepts from the core curriculum which are delivered through a variety of meaningfully connected experiences for students. At Long Valley Charter School the major goal for English Learners is to develop English fluency as rapidly as possible in an established English language program through structured English immersion or an alternate course of study with curriculum designed for such students.

Home Language Survey

The Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms).

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment[4] and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the California English Language Development Test or CELDT.

- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.

- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.

- Comparison of the pupil's performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

- The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.

Strategies for English Learner Instruction and Intervention

~~All LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners. Most of our curriculum includes ELD materials.~~

Teacher Certification

[4] The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

All LVCS teachers are required to have a CLAD certification or California Commission on Teacher Credentialing ("CTC") recognized equivalent certification. If any teacher employed during 2011-2012 school year does not currently hold this certification, such certification will be a condition of employment for the 2012-2013 school year. EL students are only assigned and/or instructed by teachers holding the legally appropriate certification.

ELD Curriculum

Most of the curriculum used by LVCS contains imbedded and/or supplementary ELD materials. In addition, EL students have access to materials specifically for English as a second language. The personalized approach easily allows teachers to use curriculum that addresses appropriate grade level content at the student's instructional level. Where ever possible, EL students use the same materials as their grade level peers. Publisher materials for EL students are used as appropriate. EL students are encouraged to develop their language arts skills in their primary languages also. Fluency in both English and a second, although primary, language enhances the students' abilities to pursue college and career opportunities.

Long Valley Charter School provides all English Learners (EL) with a base program comparable to that of their native English speaking peers. The base program is defined as services and materials received by English only speaking students which are paid by the school's general funds. Funding from Economic Impact Aide (EIA), Title I, or other supplemental money adheres to federal regulations and is used to provide qualified services over and above the school's base program. Primary language materials are purchased when appropriate. The school site and Independent Study programs supplement their library collections and classroom materials with multi-cultural literature and resources that reflect the heritage of ELs. All EL students have access to core curriculum materials and instructional supplies, School general funds are used to purchase the Houghton-Mifflin series for English-Language Arts. Currently, the online edition of Rosetta Stone is available as a supplementary material for ELD in addition to the Houghton-Mifflin Leveled Readers Language Support textbooks.

Instructional Strategies

Long Valley Charter School has established the following researchers and /or research studies as providing theoretical base for its specialized program serving the diverse language minority enrollment in the school:

Theoretical Base

- We best develop language through natural acquisition rather than being taught the discreet rules and structures.
- There is a natural order to the way one acquires a language. Although this order may appear to be grammatical, language development programs should not be grammar based in nature.
- There is a learning device within all of us which naturally monitors the correctness of our grammar and structure.

- The effective acquisition of language comes only after clearly comprehending messages containing natural language.
- Effective acquisition of a language is highly correlated with low anxiety environments where students are highly motivated and self confident.

(Terrell, Tracy. 1981 The Natural Approach to Bilingual Education)

Major Principals:

- Speech is not taught directly, but rather, is acquired by means of "comprehensible input" in low-anxiety environments.
- Speech emerges in natural stages. First, one goes through a listening stage. Second, one begins to produce single words to single phrase responses to what exists in the environment. Next, one produces phrases and sentences to give meaning to what exists in the environment. Finally, one is able to produce complex phrases and sentences set in different places in time.

(Cummins, James R. 1981. The Role of Primary Language Development in Promoting Education)

English Learners are placed in an English Language Mainstream Class utilizing Specially Designed Academic Instruction in English (SDAIE) strategies when enrolling at the Long Valley Charter School site-based program. Some of those strategies include: relia, visuals, graphic organizers, use of total physical response and encouragement of oral language. Instruction in this environment is provided overwhelmingly in English; however, primary language support may be provided as necessary and/or as available by either the classroom teacher or by a bilingual instructional assistant. English learners enrolled in the Long Valley Charter School Independent Study Program are assessed in the same manner as EL students enrolled at the site based program. ELD and SDAIE instruction is provided by the supervising teacher in collaboration with the student's support system. The instruction is provided on a one to one basis or in a small group setting in the Long Valley Charter School Resource Center closest to the student's home. Program components and materials are the same as those used at the site based program.

Program Evaluation

Long Valley Charter School has developed a process for determining the effectiveness of its program for English Learners. Assessment procedures used to determine the progress of ELs include: annual English Language assessments, STAR test data collection and analysis, and school adopted criteria for content standards and grade level expectations. English language proficiency scores are analyzed annually by the teachers to determine whether or not each student has met the annual benchmark goal during the academic year. STAR achievement results of ELs are also analyzed on a yearly basis to monitor growth in academic areas. Based on the data, EL students who have met the school-established criteria are re-designated as Fluent English Proficient(R-FEP). All EL students are evaluated by school-adopted criteria to monitor

progress and growth at each stage of language acquisition. Every year, the school reviews its school plan, evaluates each component, makes modifications and adjustments, and develops new approaches to ensure overall program effectiveness and high academic standards for all students. ~~[insert]~~

Serving Students with Disabilities

Overview

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA"). Long Valley Charter School shall not discriminate against any student with a disability.

The Charter School is an LEA member of the Lassen County SELPA ("SELPA") in accordance with Education Code Section 47641(a) and thus shall be solely responsible for its compliance with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School shall also be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

Services for Students under the "IDEIA"

Long Valley Charter School adheres to the provisions of the IDEIA and state special education laws and regulations to assure that all its students with disabilities are offered a free, appropriate public education ("FAPE"). These provisions and laws provide a structure and framework that compliments the personalized learning approach that Long Valley Charter School uses for each student. Long Valley Charter School encourages team collaboration within the general education program and with the special education program when appropriate.

Long Valley Charter School adheres to all applicable State and Federal law and SELPA policies and procedures regarding special education, including but not limited to identification, assessment, IEP development, and IEP implementation. Long Valley Charter School collaborates with the SELPA as an active participant in the SELPA meetings, including the newly formed SELPA Charter Group. Long Valley Charter School uses SELPA forms. The LVCS administration and staff work with the SELPA administration and staff to develop, maintain, and review assessments and IEPs in the format required by the SELPA, including assessment and inputting IEP data into the SELPA data system in accordance with SELPA policies and procedures. The SELPA maintains all of the LVCS Special Education records, including student assessments and IEP's. Long Valley Charter School maintains copies of assessments and IEP materials for review by the SELPA. Long Valley Charter School submits to the SELPA and the Authorizer all required reports, in a timely manner as necessary to comply with state and federal laws. The IEP team develops Individual Transition Plans to help a student with disabilities, age

14 and older, in transitioning to adult living. LVCS supports the SELPA and the students in developing Workability opportunities and in completing the Department of Rehabilitation application process. Each IEP team is comprised of all legally required members, including the LVCS administrator or appropriate designee, the general education teacher of record, the special education teacher/case manager, a SELPA administrator/designee, the student, and the parent or guardian. In addition to the core IEP team, other people may be invited or required to attend depending on the purpose of the meeting. These others might include the psychologist, the nurse, speech and language specialist, therapists, mental health or Far Northern case managers, or parent or student invited individuals.

The Lassen County SELPA receives all SPED revenues and is responsible for the management of the special education budgets, personnel, programs, and services of the SELPA member schools. Long Valley Charter School The SELPA ensures that its special education personnel are appropriately credentialed or licensed as consistent with applicable California and Federal laws and regulations. The Long Valley Charter School Administration meets with the SELPA administration at general meetings and by appointment in order to remain informed, and therefore plan for, any encroachments and changes in the LVCS fiscal responsibilities. These meetings also address concerns, changes and needs regarding special education student services, staffing, facilities, and materials or equipment.

As with all populations of students at the Charter School, the unique instructional needs of special education students are identified early and accurately, ensuring that the Charter School complies with all child-find requirements under applicable state and federal law and SELPA policy. All students are assessed in math, reading and language arts upon enrollment in LVCS. Curriculum and instruction is personalized for the student's instructional level and academic goals and grade level. In all cases, LVCS delivers grade level core content material differentiated for the student's instructional level, whether that level is above or below the grade level California State Standards expectations. Independent Study students qualifying for special education meet, at least, once every 5 school days with the supervising general education teacher of record as well as elective classes and tutoring and receiving special education services, accommodations, and/or modifications as required by the IEP.. The site based students receive differentiated instruction in the classroom setting with Title 1 support as appropriate along with special education services, accommodations, and /or modifications as required by the IEP . In both the site based and the independent study programs students are assessed through observation, evaluation of daily work, publisher tests, and core subject assessments on a regular basis. This enables teachers and other staff to quickly identify and provide intervention for any problem areas, whether academic, social or behavioral. The referral process includes Student Study Team meetings to review prior interventions, accommodations, and modifications, and to recommend further interventions as appropriate. The Charter School identifies and refers students who demonstrate early signs of academic, social, or behavioral difficulty that may require assessment for special education eligibility and placement in a special education program.

The Charter School SELPA ensures that it provides for assessment and reassessment of special education students as required by applicable State and Federal law. Special education students have individualized education plans ("IEP") developed by a legally constituted IEP team which

are implemented by highly qualified general education and special education teachers and Special Education Specialists as required by each student's IEP. SELPA and LVCS staff collaborates during the assessment process to ensure appropriate and complete assessments as dictated by the required assessment process and as needed by the student.

Long Valley Charter partners with the SELPA to ensure that all IEPs are maintained, implemented and goals pursued based on individual needs of and strengths as required by each student's IEP. The IEP of each student is designed to focus on obtaining powerful, positive results through collaborative partnerships that involve the student, the student's parents, teachers, special education personnel, Charter School. The IEP is formulated to challenge and support special needs students to pursue academic and personal goals and to meet or exceed the Ca State and LVCS requirements for a high school diploma, including passing the CAHSEE. in ways that allow the student with disabilities to meet or exceed the Charter School's high standards for academic excellence. The Charter School ensures that the teachers and other persons who provide services to a student with disabilities are knowledgeable of the content of the student's IEP, including substitute teachers as necessary.

In both the site based program and the independent study program, students with disabilities, to the greatest extent possible, and in accordance with their IEPs and applicable law, are integrated into the Charter School's least restrictive educational environment that spans a home-school-community continuum of educational experiences, and includes the full range of academic, non-academic, and extracurricular activities with non-disabled peers. Differentiation strategies along with the use of accommodations/modifications as stated in the IEP will be implemented. At the site students receive SPED services within the classroom setting and on a pull-out basis. In the independent study program students receive SPED services in the resource centers via small group or individualized instruction.

The Charter School has based its special education program on research and best practice, and its assigned Assistant Director coordinates and monitors the Charter School's policies, procedures and programs accordingly. The Charter School acts as an advocate for each student who requires special services and assistance to participate fully in the Charter School's Educational Program.

Long Valley Charter School ensures that student discipline and procedures for suspension and expulsion of students with disabilities are in compliance with state and federal law, as further described below under "Suspension and Expulsion Policies."

The SELPA, in consultation with Long Valley Charter School, will respond to any parent/guardian complaint regarding its compliance with the IDEIA in accordance with the applicable law and SELPA policy and procedure. The LVCS will work together with the SELPA in the case of any due process hearings, whether initiated by the SELPA on behalf of a student enrolled in LVCS or initiated by the parents or guardians of a student at LVCS.

Overview

The Long Valley Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation

~~Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").~~

~~The Charter School shall be categorized as a public school of the County in accordance with Education Code Section 47641(b).~~

~~The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.~~

~~The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.~~

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Executive Director and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.

- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the

student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

~~The Charter School continues to function as a "public school of the County Office of Education" for purposes of providing special education and related services pursuant to Education Code Section 47641(b).~~

~~The Charter School and County annually, in good faith negotiate, and enter into a written agreement to more clearly specify the desired mix of special education funding and services to be provided. The Charter School enjoys reasonable flexibility to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646(b). The Charter School and the County work in good faith to document the specific terms of this relationship in an annual agreement or memorandum of understanding.~~

~~The Charter School shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641(a), and the District shall not hinder, or otherwise impede the efforts of the Charter School to do so. In the event that the Charter School opts not to establish independent LEA and/or SELPA status, it shall remain an arm of the County for special education purposes as required by Education Code Section 47641(b), and/or shall continue to receive funding and services pursuant to the terms of this section and its annual agreement.~~

Professional Development

Long Valley Charter School understands the importance of continual teacher training and professional development. Research clearly indicates that the expertise and qualifications of teachers is the single most important determinate of student achievement. As a *collaborative learning sanctuary*, we are a culture where teachers open doors and share their learning. We are implementing a three-tiered professional development approach that is focused on supporting teachers as they strive to *ensure academic excellence for every student*, living our Mission and Vision.

The first tier focuses on whole group professional development starting with our Mission, Vision, Core Beliefs, and Priority Actions that will guide us for the next five years. Professional development will be built around these three Priority Actions:

- Differentiate instruction and assessment
- Strengthen and create programs to meet the needs of our students
- Increase use of technology and teaching of technology to support curriculum

A central topic for tier one professional development will be the implementation of Classroom Assessment for Learning, (Rick Stiggins, et al.) in order to *differentiate instruction and assessment.* Our goal during the next five years is to fully implement the strategies of engaging students in their own learning process. The intended outcome is to "motivate the unmotivated, restore the desire to learn, and encourage students to keep learning" (Stiggins, 2006).

The key dimensions of the program are:

- Assessments are designed to serve the specific information needs of the intended users
- Clear and articulated achievement targets
- Accurately reflect student achievement
- Yield results that are effectively communicated to the intended user
- Involve students in classroom assessment, record keeping, and communication

This level of professional development determines how Long Valley Charter School will invest time, energy, and resources. Examples of this include but are not limited to faculty participation in workshops, contracting outside consultants to facilitate our work, or purchasing professional publications or other materials. Tier one professional development creates the umbrella under which tiers two and three are carried out.

The second tier of professional development involves teachers working in a variety of collaborative groups. Teachers will continue to collaborate within and across grade levels. They will meet regularly in grade levels to discuss student data, curriculum, and teaching practices. Grade level collaboration may include analysis of performance-based assessments or standardized test data for all groups of students, including those identified as ELL, low-performing, or high-achieving, or it may be centered on how specific students respond to intervention. This tier of professional development gives teachers the opportunity to discuss and refine their implementation of tier one professional 3 development based on the age and

development of their students. In this way, we *strengthen and create programs to meet the needs of our students*.

The third tier of professional development is based on a coaching model. Coaching may occur between peers or between a teacher and an administrator. At this level, teachers have the opportunity to reflect on their practice and choose professional areas of growth or interest. Teachers meet with peers or administrators to discuss student data and its implications for classroom instruction. These ongoing conversations support teachers as learners, refine our use of best practices, and increase student achievement.

A common thread throughout all levels of professional development is an *increase in the use of technology and teaching of technology to support curriculum*. Long Valley Charter School has developed a technology plan that will be an integral part of our work for the next five years. Our professional development Priority Actions are based on a thorough needs analysis and include clear, specific, realistic goals, and measurable objectives that will provide our teachers and administrators with sustained, ongoing professional development necessary to implement the ideals of the charter.

Attached as Appendix B, please find the professional development calendar for the 2011-2012 school year.

II. Measurable Student Outcomes

Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Education Code Section 47605(b)(5)(B).

Student outcomes are defined as the degree to which all students of the Charter School demonstrate that they have attained the skills, knowledge and attitudes commensurate to their abilities, as specified in the goals of the Charter School's educational program.

Long Valley Charter School provides teachers, parents, and students specific grade level standards at the beginning of each school year. Student outcomes align with the California State content and performance standards, pursuant to Educational Code 47605(c)(1). Long Valley Charter School students participate in all state-mandated testing programs.

Students will continue to demonstrate increased skills and understanding of core subjects including:

- Language Arts
  - Reading, oral and written language
  - Literature from various time periods and cultures

- Mathematics
  - Developing the ability to reason logically and understand and apply mathematical concepts and processes, including those within arithmetic, algebra, geometry, and other mathematical subjects the staff and school board consider appropriate.
  - Comprehensive understanding of how math is applied to the real world in technology today.

- Science
  - Utilizing scientific research and inquiry methods to understand and apply the major concepts underlying various branches of science, which may include physics, chemistry, biology, ecology, astronomy, and earth sciences.
  - Comprehensive understanding of how science is applied to the real world in technology today.

- Social Sciences
  - Civic, historical, and geographical knowledge in order to serve as citizens in today's world of diverse cultures.

Students will also continue to demonstrate the skills that Long Valley Charter School has determined are necessary to become a lifelong learner, including:

- Technology as a resource to increase knowledge
- Increased awareness of their environment and community

- An appreciation of visual and performing arts

It is the Charter School's goal that LVCS will meet or exceed its Academic Performance Index ("API") growth targets both school wide and in reportable subgroups.~~In order to best serve our students and community, Long Valley Charter School will continue to examine and refine its list of student outcomes over time to reflect the Charter School's mission and any changes to state or local standards that support this mission. Long Valley Charter School will submit to the District Board a description of any changes to the above student outcomes.~~

The contents of the 2011-2012 Long Valley Charter Achievement Plan, attached as Appendix C are incorporated herein as material revisions of the charter. Any subsequent School achievement plan shall also be considered a fully incorporated part of this charter.

The contents of the 2011-2016 Local Educational Agency Plan, attached as Appendix D, are incorporated herein as material provisions of the charter. Any subsequent Local Educational Agency plan shall also be considered a fully incorporated part of this charter.

III. Assessment Methods and the Use and Reporting of Data

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(5)(C).

Long Valley Charter School meets all statewide standards and conducts the pupil assessments required pursuant to Education Code Section 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

All Long Valley Charter School students will continue to demonstrate growth appropriate for each student as outlined in their individual Student Growth Plan in all of the core academic areas. Non-special needs and non-English Learner students will continue to demonstrate growth before promotion to the next grade. Academic growth is determined through the use of multiple measures, as described below. Academic growth for special needs and EL students is defined appropriately according to their Individualized Education Plans and/or English proficiency levels.

Long Valley Charter School students are assessed in each of the core academic skill areas by a combination of ongoing "authentic" assessments. These assessments include the following measurement tools:

- Statewide assessment testing through the STAR (Standardized Testing and Reporting) program
- School adopted benchmark curriculum assessments (including STAR Reading, Early STAR Literacy, and Accelerated Math)
- The students' personal Student Goal Plan
- Samples of student work (writing, projects, etc.)
- Self-evaluation by the student
- Demonstration of student's skills and knowledge through performance based instruction
- Observation and evaluation by teachers

The results of these assessments are shared regularly with parents through the following means:

- Conferences and Student Goal Plan reviews
- Progress reports and report cards
- Student testing and class/homework
- Publication of a SARC annually ?
- Disclosing API each school year
- Disclosing AYP each school year
- Disclosing the overall attendance rate
- Disclosing expected school-wide learning results

Charter School Evaluation and Review. Each year, Long Valley Charter School will conduct a program evaluation to determine the effectiveness of all aspects of the program by evaluating measurable student growth. The Education Director or designee will make the resulting reports

available to the Advisory Council and the ~~sponsoring district~~California Department of Education and State Board of Education.

The Education Director or designee of Long Valley Charter School shall make an annual presentation, as requested by ~~to~~ the ~~District Board~~California Department of Education, on the results of the evaluations which will assess all aspects of the Charter, including but not limited to: program content, management, budget, and future plans. The assessment may be accomplished by, but is not limited to, the following methods: analyzing the charter/parent evaluation, discussing the Charter School with the Charter Staff, and evaluating measurable student growth.

IV. Governance Structure

Governing Law: The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. Education Code Section 47605(b)(5)(D).

The Long Valley Charter School is operated as a California Nonprofit Public Benefit Corporation pursuant to California law. The Charter School is governed pursuant to the bylaws adopted by the incorporators, as subsequently amended pursuant to the amendment process specified in the bylaws, attached hereto as Attachment ~~A~~**[INSERT]**.

The Long Valley Charter School governing structure is addressed in Figure 1 below. Long Valley Charter School is governed by the Long Valley Charter School Board of Directors, which will include not less than five members. Directors will be elected according to the Long Valley Charter School Election Policy. The Directors' major roles and responsibilities include:

- Establishing, approving, and supervising all major educational and operational policies
- Approving all major contracts
- Reviewing and approving the Charter School's annual budget
- Approving changes to the budget greater than 5% of the total annual ADA
- Overseeing the Charter School's financial affairs
- Selecting and evaluating the top administrative staff
- Approving Charter amendments by a 2/3 majority

The Board of Directors shall accept, consider, and be responsive to input from all stakeholders. The Board of Directors facilitates the identification of problems and the consensus building needed to identify and implement solutions that will help to maintain a successful school. Consensus is defined as agreement to a solution by all those involved, agreement means that the participants can live with a solution, even though some may not like it. On major issues the Charter School will survey parents and staff to determine if the solutions have their support. When solutions are outside of the authority of this charter, the Board of Directors will request a material revision of the charter from the State Board of Education and will only implement such solutions after approval of the SBE has been obtained. ~~inform the Fort Sage Unified School District Board of Trustees. Unless the Board of Directors vetoes the solution within sixty days after it first appears on a Board of Trustees agenda and is presented by the Education Director, or designee, at a Board meeting, the solution will become a part of this charter and will be reflected as an amendment that will be attached at the end of this charter in sequence as "Amendment 1, Amendment 2, etc." If the issue requires immediate attention, the Long Valley Charter School would like a determination by the next regularly scheduled board meeting.~~

Long Valley Charter School's Board of Directors may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which charter schools are established.

The Board of Directors may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an officer or employee of the Charter School any of those powers or duties. The Board of Directors, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

The Charter School shall comply with all applicable conflicts of interest laws including but not limited to the Political Reform Act, and Corporations Code, and shall comply with the Brown Act. Annual training on the Brown Act, conflicts laws, and effective governance shall be provided to all members of the Board. Proof of 2011-2012 training, along with training materials is attached as Appendix E.

Stakeholders of the Long Valley Charter School are elected to the Board of Directors in accordance with the Long Valley Charter School Election Policy. The stakeholders are defined as parents of students enrolled at Long Valley Charter School and staff members.

The Charter School bylaws permit one representative of the ~~Fort Sage Unified School District Board of Trustees~~Authorizer, at its election, to sit on the Long Valley Charter School Board of Directors. ~~To prevent any real or perceived conflict of interest, the District representative shall not be a District staff member or a County staff member employed at Fort Sage Unified School District, nor shall he or she be a member of the District or County Board. This representative is to sit on the Board of Directors as a nonvoting member to facilitate communications and mutual understanding between Long Valley Charter School and Fort Sage Unified School District.~~

The Education Director[5] hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and a contract approved by the Charter School Board of Directors. The Education Director implements the established direction and outcomes of the Charter School program in order to achieve the Charter School's goals and objectives and to further the Charter School's philosophy. The Education Director is responsible for:

- Recommendations for hiring and termination of certificated staff pursuant to Charter School personnel policy and subject to the Board of Directors approval
- Supervising and evaluating all certificated staff members of the Charter School
- Presenting an annual report of programs to the ~~District Board~~CDE/SBE and the Charter School Board of Directors
- Liaison between the Board of Directors and the ~~District Board~~CDE/SBE
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

~~The Financial Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and contract approved by the Charter School Board of Directors. The Financial Directory is responsible for:~~

- Overseeing a contract between the Board of Directors and a back office service provider for all fiscal and HR services including but not limited to:

[5] It is anticipated that the title of this position will be changed by the Board of Directors to be "Director".

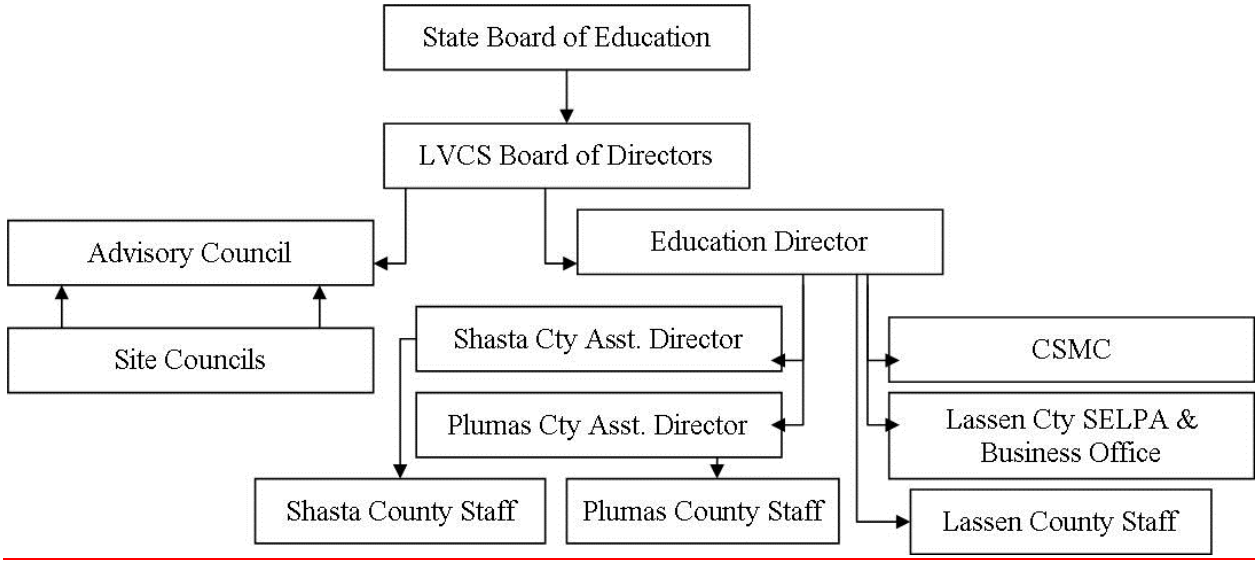
- Budget preparation and presentation to the Board of Directors
- Preparing all legally required fiscal reports and all reports requested by the SBE/CDE
- Overseeing all daily and fiscal operations of the Charter School
- Presenting an annual financial report to the ~~District Board and the~~ Charter School Board of Directors and SBE and CDE
- Supervising and evaluating all classified staff members of the Charter School
- Liaison between the Board of Directors and the ~~District Board~~SBE/CDE
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

Long Valley Charter School currently utilizes the Charter School Management Corporation ("CSMC") for back office services. In future years, should the Board of Directors find that Long Valley Charter School could obtain financial and HR services in-house through its own personnel, meeting the same qualifications or better than CSMC for similar or better services at similar or better cost to the Charter School the Charter School shall consider bringing the requested services in-house.

The Long Valley Charter School formed an Advisory Council composed of equal members of staff, and parent/community members. The staff members consist of the Education Director, representatives of certificated and classified staff. School-wide problems are identified by means of a suggestion box or by stakeholders. The Advisory Council is the forum where these problems are first publicly discussed. The Advisory Council works to create solutions that are acceptable until consensus is reached, or all objections have been addressed. This Council has the opportunity to make educational and operational recommendations to the Long Valley Charter School Board of Directors and the Education Director. It works with parents to develop parental involvement strategies and policies, and to submit the policies to the Board of Directors for approval.

In addition to the governance structure illustrated in Figure 1, Long Valley Charter School incorporated a Community Advisory Board as a resource for the School Board and the Executive Director. The Community Advisory Board is comprised of qualified interested community members such as business owners, community leaders, politicians, and members of the professional community.

Figure 1: Governance Structure



~~Local Education Agency Fort Sage Unified School District~~			
~~LVCS Board of Directors~~			
~~LVCS Advisory Council~~		~~Education Director~~ ~~Financial Director~~	
~~Technology Committee~~	~~Visual & Performing Arts Committee~~	~~FSUSD Business Office/LCOE Business Office~~	~~LVCS Staff~~
~~Library Committee~~	~~Community Outreach Committee~~		

The Long Valley Charter School is non-sectarian in its programs, admissions policies, employment practices, and all other operations, does not charge tuition, and does not discriminate on the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

V. Employee Qualifications

Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605(b)(5)(E).

The Long Valley Charter School retains or employs teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing in accordance with Education Code Section 47605(l). These teachers teach the core academic classes of mathematics, language arts, science, and history/social studies. Core teachers are responsible for overseeing the students' academic progress, and for monitoring grading. All teachers of English Learners will be appropriately credentialed to serve English Learners, with a CLAD, BCLAD or other equivalent CTC recognized EL certification.

The Long Valley Charter School also employs or retains non-certificated instructional support staff, in any case where a prospective employee has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity.

All instructional and non-instructional staff employed by Long Valley Charter School possess the experience and expertise appropriate for their position within the Charter School as outlined in the Charter School's job description, the Charter School's adopted personnel policies.

Long Valley Charter School requires that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.

The Education Director and two Assistant Directors must hold an Administrative Services Credential. A masters degree is preferred. All must have a minimum of three years of experience in independent study and five years of administrative experience in a public school setting. The three member administrative team of the Education Director and two Assistant Directors must have combined experience of administration of high school programs, elementary programs, and special education administration.

~~The Financial Director must hold a baccalaureate degree in business or a related field.~~

Persons employed in teaching positions must ~~hold a~~ be appropriately assigned within their valid California teaching credential and must be highly qualified in accordance with the applicable provisions of the No Child Left Behind Act.

Persons employed as paraprofessionals or paraeducators must be highly qualified by holding an associate degree or passing of the CODESP and receiving a certificate as a highly qualified paraprofessional/paraeducator.

VI. Health and Safety Procedures

Governing Law: The procedures the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).

Long Valley Charter School adopted and implemented a comprehensive set of health, safety, and risk management policies, which are attached hereto as Attachment B. It is our intent to operate a safe, risk free school to protect students and staff alike. The policies were developed in consultation with the Charter School's insurance carriers address the following issues:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- A requirement that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.
- A Policy requiring tuberculosis testing for employees.
- Policies and procedures for responding to emergencies and natural disasters.
- Policies and procedures for contacting parents or guardians in case of an emergency.
- Policies relating to the prevention of exposure to blood borne pathogens and communicable diseases.
- A policy relating to the administration of medication in school. ~~We have a procedure that but not a Board Policy.~~
- A policy requiring that instructional staff receive training in emergency response, including "first responder" training or an equivalent.
- A policy establishing that Long Valley Charter School operates as a drug, alcohol, and tobacco free workplace. ~~I cannot find this policy as a Board Policy. It is in our Employee Handbook.~~
- A policy for the prevention of sexual harassment.
- A policy for detecting and reporting child abuse and neglect. ~~In Employee Handbook.~~
- A policy for facility safety, including seismic safety.
- A policy requiring the completion of the California School Immunization Record including proof of examination for tuberculosis to determine if immunization requirements have been met, using the "California "Immunization Requirements for Grades K-12." The Charter School will participate in the annual vision, hearing, and scoliosis~~, and diabetes~~ screening provided by the Lassen County Office of Education. The Charter School will adhere to Education Code Section 49450, *et seq.*, as applicable to the grade levels served by the Charter School.
- Diabetes: The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following: (1) A description of type 2 diabetes; (2) A description of the risk factors and warning signs associated with type 2 diabetes; (3) A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes; (4) A description of treatments and

prevention of methods of type 2 diabetes; and (5) A description of the different types of diabetes screening tests available.

The policies above are incorporated as appropriate into the Charter School's handbook, and are reviewed annually or as necessary, by the Charter School's Advisory Council. Revisions are submitted to the Board of Directors for approval.

VII. Racial and Ethnic Balance

Governing Law: The means by which the school will achieve the racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G).

Long Valley Charter School does not discriminate against any student or employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). Each student who attends Long Valley Charter School does so on a voluntary basis, and the program appeals to all people. The Long Valley Charter School implemented a student and employee recruitment strategy that included, but is not limited to the following elements to ensure a racial and ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the District:

- Promotional and informational materials that appeal to all of the various racial and ethnic groups represented in the District.
- Development of the above materials in languages other than English to appeal to populations with limited English proficiency.
- The service of Spanish speaking staff, when available, to facilitate communication for limited English proficient parents and community members.
- Implementation of a translating program to convert English to Spanish for the purpose of written Charter School communication.

The outreach plan will be regularly reviewed and revised as necessary to ensure a racial and ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the District. Although the law requires the Long Valley charter to address how it will align its population with that of the District, as Long Valley operates resource centers within its county and adjacent counties, further, efforts will be made and regularly reviewed to reflect racial and ethnic balance within each community where its resource centers are located.

VIII. Admission Requirements

Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).

Students are considered for admission without regard to ethnicity, national origin, gender, disability, religion, or achievement level or any other characteristic described in Education Code Section 220. Admission to the site based school is open to any resident of California. Independent study students must be residents of Lassen County or adjacent counties. Prospective students and their parents or guardians receive material regarding the Charter School's instructional and operational philosophy, and student-related policies. Upon enrollment, students and parents are required to agree to comply with rules and regulations of the student/parent handbook, and commit to attend school every day.

In the event there are more applicants than capacity, attendance, except for existing pupils, will be determined by public random drawing. The following priorities will be utilized in the event of a random public drawing: ~~Long Valley Charter School adopted and maintains policies granting admissions preference to families~~

1. Students who live in the previously established attendance area of Long Valley ~~Charter~~ School~~,~~
2. ~~siblings~~ Siblings of existing students who reside within the District~~,~~
3. Siblings of existing students who reside outside the District
4. ~~the children~~ Children of staff members who reside within the District~~,~~
5. Children of staff members who reside outside of the District
6. ~~and those students~~ Students on the previous year's wait list who reside within the District.
7. Students on the previous year's wait list who reside outside of the District
8. All other District residents
9. All other applicants

~~Subsequent preference is given to students who live in District boundaries.~~ The student enrollment capacity level is set by the Long Valley Charter School Board of Directors. Students who do not achieve enrollment through the public random drawing are placed on a waiting list for enrollment, in the order in which their names were drawn in the public random drawing. They will be contacted in accordance with their number on the list, as vacancies in their appropriate grade levels become available. The Charter School's Admissions and Attendance Polices are attached hereto as Attachment D.

The Long Valley Charter School requests parents or guardians to participate at the Charter School by volunteering. Participation activities will be outlined in the Parent Student Handbook.

IX. Annual Financial Audits

Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority." Education Code Section 47605 (b)(5)(I).

An annual independent fiscal audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers Guide.

The Board of Directors will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the ~~District, the County Superintendent of Schools, the~~ State Controller~~,~~ and to the CDE by the 15th of December of each year. The Educational Director and the Finance Director will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the ~~District~~ SBE/CDE describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the ~~District~~ SBE along with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

The independent fiscal audit of the Charter School is public record to be provided to the public upon request.

X. Suspension or Expulsion Procedures

Governing Law: The procedures by which pupils can be suspended or expelled." Education Code Section 47605(b)(5)(J).

~~The Long Valley Charter School developed and maintains a complete set of student discipline policies, which comply with state and federal due process requirements for both general and special education students, and which are attached hereto as Attachment E. These policies are included in, and distributed as part of the Charter School handbook, and clearly outline the Charter School's expectations regarding attendance, mutual respect, violence, safety issues, work habits, and substance abuse policy. Each student and his or her parent or guardian will be required to sign an agreement that he or she has reviewed and understands the Charter School's policies upon enrollment.~~

~~Long Valley Charter School shall notify the Fort Sage Unified School District of any expulsions.~~

This Pupil Suspension and Expulsion Policy has been established in order to promote learning and protect the safety and well being of all students at the Charter School. When the Policy is violated, it may be necessary to suspend or expel a student from regular classroom instruction. This policy shall serve as the Charter School's policy and procedures for student suspension and expulsion and it may be amended from time to time without the need to amend the charter so long as the amendments comport with legal requirements. Charter School staff shall enforce disciplinary rules and procedures fairly and consistently among all students. This Policy and its Procedures will be printed and distributed as part of the Student Handbook and will clearly describe discipline expectations. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of or willfully causing the infliction of physical pain on a student. For purposes of the Policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to school property.

The Charter School administration shall ensure that students and their parents/guardians are notified in writing upon enrollment of all discipline policies and procedures. The notice shall state that this Policy and Procedures are available on request at the Education Director's office.

Suspended or expelled students shall be excluded from all school and school-related activities unless otherwise agreed during the period of suspension or expulsion.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a

suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

A. Grounds for Suspension and Expulsion of Students

A student may be suspended or expelled for prohibited misconduct if the act is related to school activity or school attendance occurring at anytime including but not limited to: a) while on school grounds; b) while going to or coming from school; c) during the lunch period, whether on or off the school campus; d) during, going to, or coming from a school-sponsored activity.

B. Enumerated Offenses

1. Discretionary Suspension Offenses. Students may be suspended for any of the following acts when it is determined the pupil:

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Willfully used force of violence upon the person of another, except self-defense.

c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.

d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

e) Committed or attempted to commit robbery or extortion.

f) Caused or attempted to cause damage to school property or private property.

g) Stole or attempted to steal school property or private property.

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

i) Committed an obscene act or engaged in habitual profanity or vulgarity.

j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

l) Knowingly received stolen school property or private property.

m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.

o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.

r) Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be

considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.

u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward a pupil or school personnel.

w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.

2. Non- Discretionary Suspension Offenses: Students must be suspended and recommended for expulsion for any of the following acts when it is determined the pupil:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.

3. Discretionary Expellable Offenses: Students may be expelled for any of the following acts when it is determined the pupil:

a) Caused, attempted to cause, or threatened to cause physical injury to another person.

b) Willfully used force of violence upon the person of another, except self-defense.

c) Unlawfully possessed, used, sold or otherwise furnished, or was under the influence of any controlled substance, as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage, or intoxicant of any kind.

d) Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code Sections 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid substance or material and represented same as controlled substance, alcoholic beverage or intoxicant.

e) Committed or attempted to commit robbery or extortion.

f) Caused or attempted to cause damage to school property or private property.

g) Stole or attempted to steal school property or private property.

h) Possessed or used tobacco or products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This section does not prohibit the use of his or her own prescription products by a pupil.

i) Committed an obscene act or engaged in habitual profanity or vulgarity.

j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.

l) Knowingly received stolen school property or private property.

m) Possessed an imitation firearm, i.e.: a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

n) Committed or attempted to commit a sexual assault as defined in Penal Code Sections 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code Section 243.4.

o) Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.

p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

q) Engaged in, or attempted to engage in hazing. For the purposes of this subdivision, "hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this section, "hazing" does not include athletic events or school-sanctioned events.

r) Made terrorist threats against school officials and/or school property. For purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school property, or the personal property of the person threatened or his or her immediate family.

s) Committed sexual harassment, as defined in Education Code Section 212.5. For the purposes of this section, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

t) Caused, attempted to cause, threaten to cause or participated in an act of hate violence, as defined in subdivision (e) of Section 233 of the Education Code. This section shall apply to pupils in any of grades 4 to 12, inclusive.

u) Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder and invading student rights by

creating an intimidating or hostile educational environment. This section shall apply to pupils in any of grades 4 to 12, inclusive.

v) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261 of the Education Code, directed specifically toward a pupil or school personnel.

w) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (1).

x) Possessed, sold, or otherwise furnished any knife unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.

4. Non -Discretionary Expellable Offenses: Students must be expelled for any of the following acts when it is determined pursuant to the procedures below that the pupil:

a) Possessed, sold, or otherwise furnished any firearm, explosive, or other dangerous object unless, in the case of possession of any object of this type, the students had obtained written permission to possess the item from a certificated school employee, with the Education Director or designee's concurrence.

If it is determined by the Board of Directors that a student has brought a fire arm or destructive device, as defined in Section 921 of Title 18 of the United States Code, on to campus or to have possessed a firearm or dangerous device on campus, the student shall be expelled for one year, pursuant to the Federal Gun Free Schools Act of 1994.

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means (A) any explosive, incendiary, or poison gas, including but not limited to: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, or (vi) device similar to any of the devices described in the preceding clauses.

C. Suspension Procedure

Suspensions shall be initiated according to the following procedures:

1. Conference

Suspension shall be preceded, if possible, by a conference conducted by the Education Director or the Education Director's designee with the student and his or her parent and, whenever practical, the teacher, supervisor or Charter School employee who referred the student to the Education Director or designee.

The conference may be omitted if the Education Director or designee determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or Charter School personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference.

At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense. This conference shall be held within two school days, unless the pupil waives this right or is physically unable to attend for any reason including, but not limited to, incarceration or hospitalization. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with Charter School officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

2. Notice to Parents/Guardians

At the time of the suspension, an administrator or designee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension and the date of return following suspension. This notice shall state the specific offense committed by the student. In addition, the notice may also state the date and time when the student may return to school. If Charter School officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may request that the parent/guardian respond to such requests without delay.

3. Suspension Time Limits/Recommendation for Expulsion

Suspensions, when not including a recommendation for expulsion, shall not exceed five (5) consecutive school days per suspension. Upon a recommendation of Expulsion by the Education Director or Education Director's designee, the pupil and the pupil's guardian or representative will be invited to a conference to determine if the suspension for the pupil should be extended pending an expulsion hearing. This determination will be made by the Education Director or designee upon either of the following: 1) the pupil's presence will be disruptive to the education process; or 2) the pupil poses a threat or danger to others. Upon

either determination, the pupil's suspension will be extended pending the results of an expulsion hearing.

D. Authority to Expel

A student may be expelled either by the Charter School Board following a hearing before it or by the Charter School Board upon the recommendation of an Administrative Panel to be assigned by the Board as needed. The Administrative Panel should consist of at least three members who are certificated and neither a teacher of the pupil or a Board member of the Charter School's governing board. The Administrative Panel may recommend expulsion of any student found to have committed an expellable offense.

E. Expulsion Procedures

Students recommended for expulsion are entitled to a hearing to determine whether the student should be expelled. Unless postponed for good cause, the hearing shall be held within thirty (30) school days after the Education Director or designee determines that the Pupil has committed an expellable offense.

In the event an administrative panel hears the case, it will make a recommendation to the ES Board for a final decision whether to expel. The hearing shall be held in closed session (complying with all pupil confidentiality rules under FERPA) unless the Pupil makes a written request for a public hearing three (3) days prior to the hearing.

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least ten (10) calendar days before the date of the hearing. Upon mailing the notice, it shall be deemed served upon the pupil. The notice shall include:

1) The date and place of the expulsion hearing;
2) A statement of the specific facts, charges and offenses upon which the proposed expulsion is based;
3) A copy of the Charter School's disciplinary rules which relate to the alleged violation;
4) Notification of the student's or parent/guardian's obligation to provide information about the student's status at the Charter School to any other school district or school to which the student seeks enrollment;
5) The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor;
6) The right to inspect and obtain copies of all documents to be used at the hearing;
7) The opportunity to confront and question all witnesses who testify at the hearing;
8) The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf including witnesses.

F. Special Procedures for Expulsion Hearings Involving Sexual Assault or Battery Offenses

The Charter School may, upon a finding of good cause, determine that the disclosure of either the identity of the witness or the testimony of that witness at the hearing, or both, would subject

the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Charter School or the hearing officer. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the pupil.

1. The complaining witness in any sexual assault or battery case must be provided with a copy of the applicable disciplinary rules and advised of his/her right to (a) receive five days notice of his/her scheduled testimony, (b) have up to two (2) adult support persons of his/her choosing present in the hearing at the time he/she testifies, which may include a parent, guardian, or legal counsel, and (c) elect to have the hearing closed while testifying.

2. The Charter School must also provide the victim a room separate from the hearing room for the complaining witness' use prior to and during breaks in testimony.

3. At the discretion of the person or panel conducting the hearing, the complaining witness shall be allowed periods of relief from examination and cross-examination during which he or she may leave the hearing room.

4. The person conducting the expulsion hearing may also arrange the seating within the hearing room to facilitate a less intimidating environment for the complaining witness.

5. The person conducting the expulsion hearing may also limit time for taking the testimony of the complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.

6. Prior to a complaining witness testifying, the support persons must be admonished that the hearing is confidential. Nothing in the law precludes the person presiding over the hearing from removing a support person whom the presiding person finds is disrupting the hearing. The person conducting the hearing may permit any one of the support persons for the complaining witness to accompany him or her to the witness stand.

7. If one or both of the support persons is also a witness, the Charter School must present evidence that the witness' presence is both desired by the witness and will be helpful to the Charter School. The person presiding over the hearing shall permit the witness to stay unless it is established that there is a substantial risk that the testimony of the complaining witness would be influenced by the support person, in which case the presiding official shall admonish the support person or persons not to prompt, sway, or influence the witness in any way. Nothing shall preclude the presiding officer from exercising his or her discretion to remove a person from the hearing whom he or she believes is prompting, swaying, or influencing the witness.

8. The testimony of the support person shall be presented before the testimony of the complaining witness and the complaining witness shall be excluded from the courtroom during that testimony.

9. Especially for charges involving sexual assault or battery, if the hearing is to be conducted in the public at the request of the pupil being expelled, the complaining witness shall have the right to have his/her testimony heard in a closed session when testifying at a public meeting would threaten serious psychological harm to the complaining witness and there are no alternative procedures to avoid the threatened harm. The alternative procedures may include videotaped depositions or contemporaneous examination in another place communicated to the hearing room by means of closed-circuit television.

10. Evidence of specific instances of a complaining witness' prior sexual conduct is presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence be heard. Before such a determination regarding extraordinary circumstance can be made, the witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the evidence, the complaining witness shall be entitled to be represented by a parent, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of the complaining witness is not admissible for any purpose.

G. Record of Hearing

A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.

H. Presentation of Evidence

While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. A recommendation by the Administrative Panel to expel must be supported by substantial evidence that the student committed an expellable offense. Findings of fact shall be based solely on the evidence at the hearing. While hearsay evidence is admissible, no decision to expel shall be based solely on hearsay. Sworn declarations may be admitted as testimony from witnesses of whom the Board, Panel or designee determines that disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

If, due to a written request by the expelled pupil, the hearing is held at a public meeting, and the charge is committing or attempting to commit a sexual assault or committing a sexual battery as defined in Education Code Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public.

The decision of the Administrative Panel shall be in the form of written findings of fact and a written recommendation to the Board who will make a final determination regarding the expulsion. The final decision by the Board shall be made within ten (10) school days following

the conclusion of the hearing. The Decision of the Board is final.

If the Administrative Panel decides not to recommend expulsion, the pupil shall immediately be returned to his/her educational program.

I. Written Notice to Expel

The Education Director or designee following a decision of the Board to expel shall send written notice of the decision to expel, including the Board's adopted findings of fact, to the student or parent/guardian. This notice shall also include the following: Notice of the specific offense committed by the student; and Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the Charter School.

The Education Director or designee shall send a copy of the written notice of the decision to expel to the authorizer. This notice shall include the following: a) The student's name b) The specific expellable offense committed by the student

J. Disciplinary Records

The Charter School shall maintain records of all student suspensions and expulsions at the Charter School. Such records shall be made available to the authorizer upon request.

K. No Right to Appeal

The pupil shall have no right of appeal from expulsion from the Charter School as the Charter School Board's decision to expel shall be final.

L. Expelled Pupils/Alternative Education

Pupils who are expelled shall be responsible for seeking alternative education programs including, but not limited to, programs within the County or their school district of residence. The Charter School shall work cooperatively with parents/guardians as requested by parents/guardians or by the school district of residence to assist with locating alternative placements during expulsion.

M. Rehabilitation Plans

Students who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

N. Readmission

The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the Board following a meeting with the Education Director or designee and the pupil and guardian or representative to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The Education Director or designee shall make a recommendation to the Board following the meeting regarding his or her determination. The pupil's readmission is also contingent upon the Charter School's capacity at the time the student seeks readmission.

O. Special Procedures for the Consideration of Suspension and Expulsion of Students with Disabilities

1. Notification of SELPA

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student who the Charter School or SELPA would be deemed to have knowledge that the student had a disability

2. Services During Suspension

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment or functional analysis, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. Theses services may be provided in an interim alterative educational setting.

3. Procedural Safeguards/Manifestation Determination

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

a) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

b) If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

a) Conduct a functional behavioral assessment or a functional analysis assessment, and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;

b) If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

c) Return the child to the placement from which the child was removed, unless the parent and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent, and relevant members of the IEP/504 team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.

4. Due Process Appeals

The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, whichever occurs first, unless the parent and the Charter School agree otherwise.

5. Special Circumstances

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Education Director or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

a) Carries or possesses a weapon, as defined in 18 USC 930, to or at school, on school premises, or to or at a school function;

b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or

c) Has inflicted serious bodily injury, as defined by 20 USC 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.

6. Interim Alternative Educational Setting

The student's interim alternative educational setting shall be determined by the student's IEP/504 team.

7. Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEIA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

a) The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.

b) The parent has requested an evaluation of the child.

c) The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEIA-eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge of that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

XI. Employee Retirement System

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security." Education Code Section 47605(b)(5)(K).

Certificated ~~Employees~~ employees may participate in the State Teachers' Retirement System ("STRS"). All other employees may participate in ~~and~~ federal Social Security~~, or other retirement systems depending on each individual's eligibility, choice, and current law.~~. The Financial Director or designee is responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees.

XII. Attendance Alternatives

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(b)(5)(L).

Enrollment at the Long Valley Charter School is entirely voluntary on the part of the students who attend. The traditional program of ~~Fort Sage Unified School District~~ local school districts continues to be an option for all students who choose not to enroll in the Charter School.

On admissions forms, t~~T~~he Charter School will inform the parent or guardian of each pupil enrolled in the Charter School that the pupils have no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

XIII. Employee Rights

Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M).

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the school that the District may specify, and any other rights upon leaving employment to work in the school that the District determines to be reasonable and not in conflict with any law.

All employees of the Charter School will be considered the exclusive employees of the Charter School and not of the District, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

XIV. Dispute Resolution Process

Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N).

Intent. It is the intent of our dispute resolution process to:

- Resolve disputes within the Charter School pursuant to the Charter School's policies
- Minimize oversight burden on the ~~District~~CDE
- Ensure prompt and fair resolution to disputes

Public Comment. The staff and Governing Board of the Charter School and the ~~District~~ authorizer agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the resolution process.

Disputes between the Charter School and the Charter-Granting Agency. In the event that the Charter School or granting agency has disputes regarding the terms of this charter or any other issue regarding the Charter School and grantor's relationship, both parties agree to follow the process outlined below. The "oversight reporting and revocation procedure" set forth below is specifically exempted from this mediation procedure.

In the event of a dispute between the Charter School and the grantor, the staff and members of Board of Directors of the Charter School and ~~District~~ the SBE administration agree to first frame the issue in written format, and refer the issue to the superintendent of the granting agency and education director or designee of the Charter School. In the event that the grantor believes that the dispute relates to an issue that could lead to the revocation of the charter, the Charter School requests that this shall be specifically noted in the written dispute statement. The Charter School agrees that these dispute resolution procedures cannot be utilized to impede or prevent the ~~District~~ SBE from proceeding toward revocation or non-renewal which shall be done in accordance with Education Code Section 47607.

The Education Director, or designee, and ~~Superintendent~~ representatives of the SBE shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two ~~Governing Board members~~ representatives ~~from~~ of their respective boards who shall jointly meet with the ~~Superintendent~~ representative of the ~~District or County~~SBE and Education Director or designee of the Charter School and attempt to resolve the dispute.

If this joint meeting fails to resolve the dispute, the ~~Superintendent~~ SBE representative and Education Director, or designee, shall meet to jointly identify a neutral, third party mediator whose expense shall be shared equally by both parties. The format of the mediation session shall be developed jointly by the ~~Superintendent~~ SBE representative and Education Director or designee. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All procedures in this section may be revised upon mutual written

agreement of the ~~District~~ SBE and the Charter School. The cost of mediation shall be equally spilt between the ~~District~~ SBE and the Charter School.

Long Valley Charter School recognizes that the State Board of Education may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in this charter, provided that it first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter. If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with Education Code Section 47604.5, the matter will be addressed at the State Board of Education's discretion in accordance with that provision of law and any regulations pertaining thereto.

Oversight Reporting and Revocation. The ~~Fort Sage Unified School District~~SBE/CDE may inspect or observe any part of the Charter School at any time. While not legally required, the Charter School asks, but recognizes it cannot compel, reasonable notice prior to any observation or inspection.

This charter may be revoked or non-renewed by the authority that granted the charter~~, the District Board of Trustees,~~ pursuant to Education Code Section 47607.

If the ~~Governing Board of the District~~ SBE believes it has cause to revoke this charter, the ~~board~~ SBE agrees to notify the Board of Directors of the School in writing, noting the specific reasons for which the charter may be revoked, and grant the School reasonable time to respond to the notice and take appropriate corrective action.

XV. Public School Employer

Governing Law: A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act ("EERA"). The Charter School recognizes the employees' rights under the EERA provisions to organize for collective bargaining.

XVI. Closure

Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board of Directors will promptly notify parents and students of the Charter School, ~~the District, the Lassen County Office of Education,~~ the Charter School's SELPA, the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents, students and the ~~District~~ CDE with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The Charter School will ask the ~~District~~County Office of Education ~~-~~to store original records of Charter School students. All records of the Charter School shall be transferred to the ~~District~~ County Office of Education upon Charter School closure. If the ~~District~~ County Office of Education will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure.

The Charter School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the ~~District~~ SBE/CDE promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code Section 47604.33.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the ~~District~~ SBE/CDE or ~~District~~ SBE/CDE property will be promptly returned upon Charter School closure to the ~~District~~SBE/CDE. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.
As the Charter School is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget~~ in Exhibit ~~, the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

XVII. Financial Planning, Reporting, And Accountability

Budgets and Financial Plan

Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. -- Education Code Section 47605(g)

A multi-year financial plan for the Charter School is attached. This plan is based on the best data available to the developers at the time the plan was assembled. Attached as Appendix F, please find the following documents:

1. A projected annual budget
2. An interim financial report as of October 31

Financial and Programmatic Reporting

Budget and Financial Reporting Schedule

The Charter School will annually prepare and submit to the ~~District~~CDE:

- On or before July 1st, a final budget
- On or before December 15th, an interim financial report which reflects changes to the final budget through October 31st. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the ~~District,~~ State Controller and~~,~~ State Department of Education ~~and County Superintendent of Schools~~
- On or before March 15th, a second interim financial report which reflects changes to the final budget through January 31st
- On or before September 15th, a final unaudited financial report for the prior full fiscal year

Attendance Accounting

The Charter School will implement an attendance recording and accounting system, to ensure contemporaneous record keeping, which complies with state law.

Reporting

The Charter School will provide reporting to the ~~District~~ CDE as required by law and as requested by the ~~District~~ CDE including but not limited to the following: California Basic Educational Data System (CBEDS), actual Average Daily Attendance reports, all financial

reports required by Education Code Sections 47604.33 and 47605(m) (as stated above) and the School Accountability Report Card (SARC).

The Charter School agrees to and submits to the right of the ~~District~~ SBE/CDE to make random visits and inspections in order to carry out its statutorily required oversight.

Pursuant to Education Code Section 47604.3 the Charter School shall promptly respond to all reasonable inquiries including, but not limited to inquiries regarding its financial records from ~~the District, the County Office of Education, and~~ the State Superintendent of Public Instruction.

Insurance

The ~~District~~ SBE/CDE shall not be required to provide coverage to the Charter School under any of the ~~District's~~ SBE/CDE self-insured programs or commercial insurance policies. The Charter School shall secure and maintain, as a minimum, insurance as set forth below to protect the Charter School from claims which may arise from its operations. The following insurance policies are required:

1. Workers' Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect the Charter School from claims under Workers' Compensation Acts, which may arise from its operations.

2. General Liability, Comprehensive Bodily Injury and Property Damage Liability for combined single limit coverage of not less than $1,000,000 for each occurrence based upon the recommendation of the insurance provider for schools of similar size, location, and type of program. The policy shall be endorsed to name the ~~District its Board of Education~~ SBE as additional insured~~r~~s.

3. Fidelity Bond coverage shall be maintained by the Charter School to cover all Charter School employees who handle, process, or otherwise have responsibility for Charter School funds, supplies, equipment or other assets. Minimum amount of coverage shall be $50,000 per occurrence, with no self-insured retention.

4. Directors and Officers Coverage shall be maintained by the Charter School to cover its Board of Directors.

Insurance Certificates

The Charter School shall keep on file certificates signed by an authorized representative of the insurance carrier. Certificates shall be endorsed as follows: The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the ~~district~~SBE/CDE. Facsimile or reproduced signatures are not acceptable. The ~~District~~ SBE/CDE reserves the right to require complete certified copies of the required insurance policies.

Administrative Services

Governing Law: The manner in which administrative services of the School are to be provided. Education Code Section 47605(g).

Long Valley Charter School will do its own accounting and be its own fiscal agent and may contract for management, educational and other services. Any services provided by the District to the Charter School shall be contracted on a fee for services basis, to be addressed in a memorandum of understanding.

~~A fiscal reconciliation plus or minus will come within 90 days of the close of the District's fiscal year. The Charter School will bear the cost of an audit at the close of each school year.~~

Facilities

Governing Law: The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(G); A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. Education Code Section 47605(a)(1)

School Location

The Long Valley Charter School has leased ~~was granted~~ the use of the property, facility, educational materials and equipment, and furnishings knows as Long Valley School that is located on parcel AP#141-060-35-11 at 436-965 Susan Drive, Doyle, California 96109 from Fort Sage Unified School District. Long Valley Charter School is the sole occupant of the facility and grounds unless a mutually agreeable arrangement is made with Fort Sage Unified School District. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with District funds remains the property of the District and remains on the Long Valley Charter School site. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with site funds remains the property of the School and remains on the Long Valley Charter School site. Long Valley Charter School also currently operates independent study resource centers for teachers to meet with students/families in our independent study program. The existing resource center locations are as follows:

- Doyle: 436-965 Susan Drive, Doyle, California 96109
- Susanville: 900 Main Street, Susanville, CA, 96130
- Portola: 280 E. Sierra Ave., Portola, CA 96122
- Cottonwood: 3308 Main Street, Cottonwood, CA 96022

Additionally, as part of its growth plan, Long Valley Charter School seeks to open a resource center in Redding at the following address: 1615 Continental Street, Redding, CA 96001 (pending approval of the charter material revision).

All facilities will comply with Education Code Section 47610. The Charter School will provide its Authorizer with all requested information regarding its facilities and understands that all facilities are available for periodic and unannounced inspections.

Impact on Charter Authorizer

Governing Law: Potential civil liability effects, if any, upon the school and upon the District. (Education Code Section 47605(g).

The Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d.

Pursuant to Education Code Section 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities required by law. The Charter School shall work diligently to assist the ~~District~~ SBE/CDE in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other SBE/CDE~~District~~ requested protocol to ensure the SBE/CDE~~District~~ shall not be liable for the operation of the Charter School.

Further, the Charter School and the ~~District~~ SBE have entered into a memorandum of understanding which provides for indemnification of the ~~District~~ SBE by the Charter School. Insurance amounts are described above and will be updated as needed by recommendation of the insurance company for schools of similar size, location, and type of program. The ~~District~~ SBE shall be named an additional insured on the general liability insurance of the Charter School.

The corporate bylaws of the Charter School provide for indemnification of its Board of Directors, officers, agents, and employees, and the Charter School will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks.

XVIII. Miscellaneous Provisions

Term. The term of this charter shall begin July 1, 2010 and expire five years thereafter, or on June 30, 2015, with option for renewal.

Renewal of Charter. The grantor may renew this Charter for the term of five years. The Charter School shall re-petition the ~~District~~ SBE for charter renewal prior to expiration.

Material Revisions. Any material revisions to this charter shall be made by the mutual agreement of the Governing Boards of the Charter School and the ~~District~~SBE. Material revisions shall be made pursuant to the standards, criteria, and timelines in Education Code Sections 47605 and 47607.

Severability. The terms of this charter contract are severable. If any term or provision of this charter is deemed invalid or unenforceable, the remainder of this charter shall remain in effect, unless mutually agreed otherwise by the ~~Fort Sage Unified School District~~SBE and the Governing Board of the Charter School. The SBE/CDE~~district~~ and the school agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

Communications. All official communications between Long Valley Charter School and ~~Fort Sage Unified School District~~ the State Board of Education or California Department of Education will be sent via First Class Mail or other appropriate means to the following addresses:

Long Valley Charter School
P.O. Box 7
Doyle, CA 96109

~~Fort Sage Unified School District~~California Department of Education
~~P.O. Box 35~~Charter Schools Division
~~Herlong, CA 96113~~Sacramento, CA 95814

Business Agreement. The Long Valley Charter School and ~~Fort Sage Unified School District~~SBE will engage and develop a mutually agreeable Memorandum of Understanding outlining the following provisions. The ~~Fort Sage Unified School District~~SBE will receive ~~3~~1% of all ~~general-purpose entitlement and categorical block grant funds for all~~ Long Valley Charter School ~~site-based students residing within the District's boundaries~~ revenue. ~~The District will receive 1% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School Independent Study students and site based students who reside outside of the district's boundaries.~~ The Charter School will receive ~~the remaining~~ general-purpose entitlement and charter block grant funds, 100% of applicable Lottery, Instructional Materials Funds, and other operational funding, as well as an equitable percentage of all applicable categorical funds outside the Charter School Block Grant, in addition to the State and Federal grants, special education and one time funding. ~~Funds coming to the District and not to a specific group (i.e., transportation, etc.) will be apportioned to Long Valley Charter School as they are to other schools in the District.~~

Long Valley Charter School Academic Achievement and Enrollment Data

California Department of Education

Created on 4/1/2012

Table 1: 2011 Demographic Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Student Enrollment	312
% Black or African American	1.6
% American Indian or Alaska Native	4.5
% Asian	2.2
% Filipino	0.3
% Hispanic or Latino	9.3
% Native Hawaiian or Pacific Islander	0
% White	81.1
% Two or More Races	0
% Socioeconomically Disadvantaged	41.3
% English Learners	0
% Students with Disabilities	1.9

Data source used "DMDSQL1.EDdemo2.vwSSIDenroll"

California Department of Education

Created 4/1/2012

Table 2: 2011 Truancy, Suspension, and Expulsion Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Enrollment	312
Truancy Number (Rate)	3(1)
Suspension Number (Rate)	4(1.3)
Expulsion Number (Rate)	0(0)

Data source was a provided spreadsheet "umirs1011.xls"

California Department of Education

Created 4/1/2012

Table 3. Academic Performance Index (API) Growth

School Name	Long Valley Charter	Long Valley Charter (While Authorized by Fort Sage Unified School District)
CDS Code	**18767296010763**	**18750366010763**
API Growth for 2010-11	-9	-
API Growth for 2009-10*	-	11
API Growth for 2008-09*	-	34
API Growth for 2007-08*	-	-54

Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"

*Long Valley Charter was authorized by the Fort Sage Unified School District during this time

California Department of Education

Created 4/1/2012

Table 4: 2011 Growth Academic Performance Index (API) Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Valid Scores Schoolwide	122
Schoolwide	741(-9)
Black or African American	-
American Indian or Alaska Native	-
Asian	-
Filipino	-
Hispanic or Latino	-
Native Hawaiian or Pacific Islander	-
White	758(-20)
Two or More Races	-
Socioeconomically Disadvantaged	835(-)
English Learners	-
Students with Disabilities	-
Statewide/Similar Schools Rank	-

Data source used, "API11gdb.dbf, API10bdb.dbf"

- The Growth API is not displayed when there are less than 11 valid scores
(-) The student group is not numerically significant, therefore no growth determination was made

California Department of Education

Created 4/1/2012

Table 5: 2011 Adequate Yearly Progress (AYP) Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Met AYP Criteria	No
# Criteria Met/# Criteria Applicable	9/11
2011-12 Program Improvement (PI) Status	Not in PI
2011-12 Program Improvement (PI) Year	NA

Data source used, "APR11adb.dbf, schlpi11.dbf"

California Department of Education

Created 4/1/2012

Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA)	
ELA % Proficency Target: 67.6	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Number of Valid Scores Schoolwide	106
Schoolwide (Met Target)	57.5(No)
Black or African American (Met Target)	-
American Indian or Alaska Native (Met Target)	-
Asian (Met Target)	-
Filipino (Met Target)	-
Hispanic or Latino (Met Target)	-
Native Hawaiian or Pacific Islander (Met Target)	-
White (Met Target)	55.4(No)
Two or More Races (Met Target)	-
Socioeconomically Disadvantaged (Met Target)	59.2(--)
English Learners (Met Target)	-
Students with Disabilities (Met Target)	-

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

California Department of Education

Created 4/1/2012

Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics	
Math % Proficency Target: 68.5	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Number of Valid Scores Schoolwide	105
Schoolwide (Met Target)	58.1(Yes)
Black or African American (Met Target)	-
American Indian or Alaska Native (Met Target)	-
Asian (Met Target)	-
Filipino (Met Target)	-
Hispanic or Latino (Met Target)	-
Native Hawaiian or Pacific Islander (Met Target)	-
White (Met Target)	57.1(Yes)
Two or More Races (Met Target)	-
Socioeconomically Disadvantaged (Met Target)	59.2(--)
English Learners (Met Target)	-
Students with Disabilities (Met Target)	-

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

California Department of Education

Created 4/1/2012

Table 8: High School Academic Data	
Grade Ten CAHSEE Passage Rates	
School Name	**SBE -Long Valley Charter**
CDS Code	**18767296010763**
ELA/Math Number Tested	1/1
School wide ELA/Math	71.0/67.0
Black or African American ELA/Math	-
American Indian or Alaska Native ELA/Math	-
Asian ELA/Math	-
Filipino ELA/Math	-
Hispanic or Latino ELA/Math	0/0
Native Hawaiian or Pacific Islander ELA/Math	-
White ELA/Math	78.0/69.0
Two or More Races ELA/Math	0/0
Socioeconomically Disadvantaged ELA/Math	57.0/43.0
English Learners ELA/Math	-
Students with Disabilities ELA/Math	0/0
Cohort Graduation Rate	60
Cohort Dropout Rate	28

Data source used, "CAHSEE2011.txt, EdData.txt"
English Language Arts (ELA)

Table 9. Long Valley Charter School Enrollment

Authorized Enrollment Capacity (Initial Enrollment +/- 25%)	Percent Over Authorized Enrollment Capacity	Enrollment	Date	Method Reported
340	--	272	14-Jul-10	Petition as submitted to SBE for authorization
340	--	315	31-Oct-10	First 20 day apportionment report
340	--	165	9-Dec-10	Enrollment based on attendance reports submitted to the CDE as backup documentation for Period 1 apportionment reporting, submitted December 2010
340	1%	343	7-Jan-11	Enrollment based on attendance reports submitted to the CDE as backup documentation for Period 2 apportionment reporting, submitted April 2011
340	5%	358	20-Jan-11	Based on report submitted by director, Cindy Henry
340	26%	428	23-Mar-11	Enrollment as provided by LVCS's back office provider
340	54%	525	30-Jun-11	Projected 2011–12 enrollment submitted with LVCS preliminary budget
340	50%	510	23-Aug-11	Estimated enrollment per e-mail from Ms. Henry
340	46%	498	Jan-12	Enrollment per phone call with Ms. Henry

Appendix A

PORTOLA RESOURCE CENTER CLASSES

day		Tuesday			Wednesday			Thursday			Friday		
lass	Work Room	Piano Room	Café Class	Work Room	Piano Room	Café Class	Work Room	Piano Room	Café Class	Work Room	Piano Room	Café Class	Work Room
		9-10:00 Geometry			**8:30-9:30** Algebra 2	**9-10:00** Reading		**9-10:00** Geometry					
					9:30-10:30 Algebra 1								
30 ting	Reserved for Speech	**10-11:00** Algebra 1						**10-11:00** Algebra 1			**10-10:30** Guitar BEG		
						10:30-11:30 6-12 Math Skills					10:30-11 Guitar INT		
		11-12:00 Algebra 1A	**11-12:00** MS Math					**11-12:00** Algebra 1A	**11-12:00** MS Math		11-11:30 Guitar ADV		
					11:30-1:00 3-D Art Workshops 2nd & 4th Wed of the month						**11:30-12** Drums 7-12		
Math		**12-1:00** Algebra 2/ Adv Math	**12-1:00** MS Science	**12-1:00** Upward Bound		**12-1:00** 5-8 ELA Skills		**12-1:00** Algebra 2/ Adv Math			12-12:30 Drums K-6		
2:30													
ment		**1-2:00** Dance	**1-3:00** Café Hours	**1-2:00** Misc Math Tutoring				**1-2:30** Biology	**1-3:00** Café Hours	**1-2:00** Misc Math Tutoring	**1-1:45** K-3 Music		
					1:30-2:30 Essay Writing 2/22-3/7	**1:30-2:30** Reading					**1:45-2:15** Glee 7-12		
		2-2:30 Dance	**Leadership 2-3:00**	Grading						Grading	**2:15-2:45** Glee K-6		
				2:30-3:30 Algebra 1A				**2:30-4:00** Environ Science		**2:30-3:30** Algebra 1A			
						3:30-5:00 HS Bus Computer Skills					**3:30-5:30** Piano		
					4:30-5:30 4-7 Writing								

Appendix B

LONG VALLEY CHARTER SCHOOL

STAFF DEVELOPMENT

2011-12 School Year

DATE	DESCRIPTION	LOCATION/STAFF
8/17/11	True Colors Staff Training/ Team Building	Doyle-all staff
	Special Education Processes/ Efficacy Review	Doyle-all staff
	Defining our Purpose	Doyle-all staff
8/18/11	STEM, Discovery Education, Mapping, MOBI, Learning Communities	Lassen County-all staff
9/7/11	Reviewing writing samples & discussing rubrics	Each center-individually
10/5/11	Standards based report cards	Doyle staff
	Target 5: Identifying independent study students who need extra assistance	Independent Study Resource Centers
11/2/11	Character Counts/Choose Civility campaign	Each center individually
12/7/11	Writing Assessments: Planning & Scoring/ IS identified additional helpful home based support	Each center individually
1/4/12	Technology-google accounts and use of new technologies	Each center individually
2/1/12	ESLR Review-Focus on helping students discover their interests. Identify instruments and other methods.	Each center individually
3/7/12	PLANNED: A discussion of our Vision, mission & core beliefs	Each center individually
3/16/12	PLANNED: using True Colors to differentiate instruction/ brainstorm other ways teachers are currently differentiating instruction in each program/ Utilize Marzano materials on differentiating instruction	Doyle-all staff
4/11/12	PLANNED: Using technology for instruction: training on Thinkfinity program	Each center individually
5/2/12	TBD	

Appendix C

Long Valley Charter School
2011-2012 School Achievement Plan

Analysis of Current Instructional Program

The following statements characterize educational practice (both site-based and Independent Study) at this school:

1. Availability of standards-based instructional materials appropriate to all student groups:

Textbooks and materials purchased are aligned to the standards and are designed to address all student needs. A complete list of textbooks can be viewed at the Doyle school site. Additional standards aligned materials may be acquired to accommodate different learning modalities.

2. Alignment of staff development to standards, assessed student performance and professional needs:

The addition of monthly early dismissal days as well as weekly staff meetings provides opportunities for collaboration, allowing teachers time to analyze and interpret assessment data, and to align instruction to standards and student needs.
Staff development has been planned and implemented on both school wide and local levels. This strategy has enabled staff development to address universal issues and needs as well as the unique needs of distinct geographic areas and programs

3. Services provided by LVCS to enable under-performing students to meet standards:

Teachers work to provide differentiated instruction in the regular education setting. All grades offer flexible reading and math groups and curriculum based on individual instructional levels as indicated by assessments. Ongoing collaboration at each grade level and staff development workshops offers teachers opportunities to address all student needs. Our school site program provides aides in grades K-8 classrooms to work with small groups of children in reading and math. Teachers work with students to provide appropriate interventions. After school and noon time interventions are offered for all under-performing students. Independent Study teachers collaborate with students and their families to develop personalized learning plans in response to assessments and feedback on student learning modalities. Weekly small group instruction is provided in each resource center to address specific areas of need with a focus on English-Language Arts and Mathematics skills development.

4. Use of state and local assessments to modify instruction and improve student achievement:

The district provides extensive data using both state and district assessments for analysis. All teachers use this data regularly to improve student achievement by attending specific workshops related to the areas needed for improvement and to identify individual student needs. Teachers supplement paced lessons based on the feedback from benchmark assessments.

5. Number and percentage of teachers in academic areas experiencing low student performance:

There are students in all grade levels who perform at levels below "basic" on district and state assessments. These students receive direct instruction and have opportunities to attend intervention classes or tutoring sessions.

6. School and community barriers to improvements in student achievement:

The diversity of student needs represented in a grade level or site-based classroom continues to be a challenge. Teachers and staff work very hard to meet the needs of all students who have varied levels of performance. Support from parents is critical to student learning, therefore, LVCS will continue to seek opportunities to encourage parent participation.

7. Limitations of the current program to enable under-performing students to meet standards:

Managing classroom and individualized instruction, whether site-based or through independent study, is challenging. We will continue to find ways to meet the challenges and improve student learning.

Student Performance Data:

API Table

	Number of Students Included in 2011 API	Numerically Significant in Both Years	2011 Growth	2010 Base	2010-11 Growth Target	2010-11 Growth	Met Student Groups Growth Target
Schoolwide	122		741	750	5	-9	
White	104	Yes	738	758	5	-20	No
Socioeconomically Disadvantaged	54	No	756	835			

AYP Table - Participation

	English-Language Arts Target 95% Met all participation rate criteria? Yes				Mathematics Target 95% Met all participation rate criteria? Yes			
GROUPS	Enrollment First Day of Testing	Number of Students Tested	Rate	Met 2011 AYP Criteria	Enrollment First Day of Testing	Number of Students Tested	Rate	Met 2011 AYP Criteria
Schoolwide	228	220	96	Yes	228	218	96	Yes
White	193	186	96	Yes	193	184	95	Yes
Socioeconomically Disadvantaged	106	102	96	Yes	106	102	96	Yes

AYP Table – Percent Proficient (AMOs)

	English-Language Arts Target 67.6 % Met all percent proficient rate criteria? No					Mathematics Target 68.5 % Met all percent proficient rate criteria? Yes				
GROUPS	Valid Scores	Number At or Above Proficient	Percent At or Above Proficient	Met 2011 AYP Criteria	Alternative Method	Valid Scores	Number At or Above Proficient	Percent At or Above Proficient	Met 2011 AYP Criteria	Alternative Method
Schoolwide	106	61	57.5	No		105	61	58.1	Yes	SH
White	92	51	55.4	No		91	52	57.1	Yes	SH
Socioeconomically Disadvantaged	49	29	59.2	--		49	29	59.2	--	

STAR Table

Reported Enrollment

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Reported Enrollment	23	23	30	20	26	41	33	45	41	63	

CST English-Language Arts

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested	21	22	30	20	24	39	31	42	40	59	
% of Enrollment	91.3 %	95.7 %	100.0 %	100.0 %	92.3 %	95.1 %	93.9 %	93.3 %	97.6 %	93.7 %	
Students with Scores	21	22	30	20	24	39	31	42	40	59	
Mean Scale Score	353.7	341.4	363.0	347.6	329.3	335.7	334.9	329.5	312.6	299.0	
% Advanced	19 %	14 %	30 %	10 %	13 %	8 %	19 %	7 %	8 %	0 %	
% Proficient	33 %	36 %	27 %	45 %	29 %	31 %	19 %	24 %	18 %	10 %	
% Basic	24 %	18 %	33 %	35 %	29 %	31 %	32 %	40 %	40 %	44 %	
% Below Basic	14 %	27 %	10 %	10 %	8 %	21 %	16 %	17 %	10 %	27 %	
% Far Below Basic	10 %	5 %	0 %	0 %	21 %	10 %	13 %	12 %	25 %	19 %	

CST Mathematics

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested	21	22	30	20	24	39					
% of Enrollment	91.3 %	95.7 %	100.0 %	100.0 %	92.3 %	95.1 %					
Students with Scores	21	22	30	20	24	39					
Mean Scale Score	378.0	370.8	383.0	326.0	319.5	329.6					
% Advanced	29 %	23 %	33 %	10 %	0 %	10 %					
% Proficient	33 %	45 %	30 %	35 %	29 %	26 %					
% Basic	29 %	14 %	20 %	20 %	33 %	26 %					
% Below Basic	10 %	18 %	7 %	20 %	21 %	26 %					
% Far Below Basic	0 %	0 %	10 %	15 %	17 %	13 %					

CST General Mathematics

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested							30	28			58
% of Enrollment							90.9 %	62.2 %			
Students with Scores							30	28			58
Mean Scale Score							337.8	305.1			321.8
% Advanced							17 %	0 %			9 %
% Proficient							23 %	14 %			19 %
% Basic							20 %	43 %			31 %
% Below Basic							30 %	32 %			31 %
% Far Below Basic							10 %	11 %			10 %

CST Algebra I

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested							1	12	19	5	37
% of Enrollment							3.0 %	26.7 %	46.3 %	7.9 %	
Students with Scores							1	12	19	5	37
Mean Scale Score							*	299.3	274.4	*	283.0
% Advanced							*	0 %	0 %	*	0 %
% Proficient							*	17 %	5 %	*	8 %
% Basic							*	33 %	16 %	*	22 %
% Below Basic							*	42 %	53 %	*	51 %
% Far Below Basic							*	8 %	26 %	*	19 %

CST Geometry

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									5	6	11
% of Enrollment									12.2 %	9.5 %	
Students with Scores									5	6	11
Mean Scale Score									*	*	278.7
% Advanced									*	*	0 %
% Proficient									*	*	0 %
% Basic									*	*	36 %
% Below Basic									*	*	45 %
% Far Below Basic									*	*	18 %

CST Algebra II

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									1	3	4
% of Enrollment									2.4 %	4.8 %	
Students with Scores									1	3	4
Mean Scale Score									*	*	*
% Advanced									*	*	*
% Proficient									*	*	*
% Basic									*	*	*
% Below Basic									*	*	*
% Far Below Basic									*	*	*

CST History - Social Science Grade 8

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested							31				
% of Enrollment							93.9 %				
Students with Scores							31				
Mean Scale Score							303.7				
% Advanced							0 %				
% Proficient							13 %				
% Basic							48 %				
% Below Basic							16 %				
% Far Below Basic							23 %				

CST World History

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									40	1	41
% of Enrollment									97.6 %	1.6 %	
Students with Scores									40		40
Mean Scale Score									285.3	*	285.3
% Advanced									3 %	*	3 %
% Proficient									8 %	*	8 %
% Basic									28 %	*	28 %
% Below Basic									15 %	*	15 %
% Far Below Basic									48 %	*	48 %

CST U.S. History

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested										59	
% of Enrollment										93.7 %	
Students with Scores										59	
Mean Scale Score										289.9	
% Advanced										2 %	
% Proficient										10 %	
% Basic										25 %	
% Below Basic										27 %	
% Far Below Basic										36 %	

CST Science - Grade 5, Grade 8, and Grade 10 Life Science

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested				20			31		38		
% of Enrollment				100.0 %			93.9 %		92.7 %		
Students with Scores				20			31		38		
Mean Scale Score				355.4			315.5		316.0		
% Advanced				5 %			3 %		5 %		
% Proficient				60 %			29 %		16 %		
% Basic				35 %			32 %		32 %		
% Below Basic				0 %			19 %		26 %		
% Far Below Basic				0 %			16 %		21 %		

CST Biology

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									8		8
% of Enrollment									19.5 %		
Students with Scores									8		8
Mean Scale Score									*		*
% Advanced									*		*
% Proficient									*		*
% Basic									*		*
% Below Basic									*		*
% Far Below Basic									*		*

CST Earth Science

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested								19		5	24
% of Enrollment								42.2 %		7.9 %	
Students with Scores								19		5	24
Mean Scale Score								307.9		*	307.1
% Advanced								0 %		*	0 %
% Proficient								16 %		*	13 %
% Basic								42 %		*	50 %
% Below Basic								11 %		*	8 %
% Far Below Basic								32 %		*	29 %

CAHSEE Data (March 10th Grade Administration)

Location	Tested or Passing	Subject	All Students	Special Education Students	English Learner (EL) Students	Reclassified Fluent-English Proficient (RFEP) Students	Economically Disadvantaged	Not Economically Disadvantaged
DISTRICTWIDE:	# Tested	Math	30	1	0	0	14	14
DISTRICTWIDE:	Passing	Math	20 (67%)	-	-	-	6 (43%)	12 (86%)
DISTRICTWIDE:	# Tested	ELA	31	1	0	0	14	15
DISTRICTWIDE:	Passing	ELA	22 (71%)	-	-	-	8 (57%)	12 (80%)

Graduation Data

2010 Graduation Rate (Class of 2008-09)	2011 Graduation Rate (Class of 2009-10)	2011 Target Graduation Rate	2011 Graduation Rate Criteria Met	Alternative Method or Exclusion
			N/A	U50 (under 50 graduates)

Conclusions from Student Performance Data:

- Assessment data indicates a slight decrease in ELA performance. We see dips in performance and have strategies in place to address these for the 2011-12 school year.
- Different grade level groups vary significantly from year to year.
- We need to target the students scoring "basic" in order to meet state targets.
- Proficiency rates for ELA do not reveal an achievement gap; in fact the SED students outperformed White students by 3.8%. Additional tutoring by Title I aides and assigned teachers providing small group and one to one assistance has benefitted this category of students.
- Students in grades 6-11 note a marked decrease in achievement in ELA proficiency. Additional attention needs to be focused on this grade range.
- Other notable areas for future focus: seek to increase numbers of students in advanced Mathematics courses; improve 8th & 10th grade Social Studies and Science scores.

Description of Assessments:

- Baseline and Interim Assessments – Universal pre/post tests (staff created as well as specific curriculum assessments, all tied closely to the California State Standards) administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.
- Benchmark Assessments (Fall, Winter, Spring) – Scantron Performance Series diagnostic assessment administered three times (by October 25, December 15, and March 15). Performance Series is aligned to CA state standards in all 4 subject areas (Reading, Language Arts, Math, and Science).

Fall Benchmark Data (baseline):

Grade Level	AboveAvg	Count	HighAvg	Count	LowAvg	Count	BelowAvg	Count	Total Count	Mean Score
Grade 2	50%	10	20%	4	15%	3	15%	3	20	2147
Grade 3	42%	10	13%	3	28%	7	17%	4	24	2298
Grade 4	10%	2	24%	5	28%	6	38%	8	21	2340
Grade 5	27%	8	10%	3	27%	8	37%	11	30	2420
Grade 6	22%	6	19%	5	30%	8	30%	8	27	2539
Grade 7	18%	7	13%	5	35%	14	35%	14	40	2514
Grade 8	9%	4	11%	5	30%	14	50%	23	46	2558

Once benchmark assessments are completed (December 15 and March 15), the leadership team, consisting of the Education Director and Assistant Program Directors, will pull gains reports from Scantron. These reports will be organized by Language Arts, Reading, and Math, school wide as well as by sub-group. This data will be shared with teachers and analyzed for the purpose of driving instruction. Teacher-Leader conferences will result in discussion considering pacing, methodologies, student remediation, determination of program effectiveness, analysis of current curriculum or strategies and evaluation of further intervention.

Fall Language Arts Data:

Grade	Student Count	Mean Language Arts SS
Overall	352	2505
Grade 2	20	2147
Grade 3	24	2298
Grade 4	21	2340
Grade 5	30	2420
Grade 6	27	2539
Grade 7	40	2514
Grade 8	46	2558

Scantron Performance Series Language Arts Scaled Score Interquartile Ranges:

Grade	Fall	Winter	Spring
2	1890-2188	2006-2286	2143-2366
3	2143-2409	2222-2495	2268-2521
4	2289-2542	2276-2536	2372-2617
5	2358-2597	2397-2639	2404-2652
6	2443-2663	2418-2672	2494-2718
7	2483-2684	2513-2747	2521-2730
8	2583-2750	2599-2774	2609-2784

Goals:

The content of this School Achievement Plan is aligned with school goals for improving student achievement. School goals are based upon an analysis of state data, including API/AYP reports, and include local measures of student achievement. Based upon this analysis, LVCS has established the following performance improvement goals and actions.

MEASURABLE GOALS TABLE			
Content Area	Grade/ Course	Frame of Analysis: Content Area or Specific Strands	Measurable Goals for Interim Assessment Results
English Language Arts (ELA)	*Schoolwide*	*ELA*	*Winter Goal (by December 15th): 80% of students will move from Fall Interquartile Range into the appropriate Winter*

			Interquartile Range. Spring Goal (by March 15th): 80% of students will move from Winter Interquartile Range into the appropriate Spring Interquartile Range.
English Language Arts (ELA)	*Schoolwide*	*ELA*	*Spring Goal 78.4% proficient on ELA portion of assessment*
ELA	*4th & 7th*	*Content Area: Writing Composition*	*Spring Goal: 78.4% proficient in Writing portion of assessment*
ALL	*Schoolwide*	*Student Attendance*	*Average Daily Attendance will meet or exceed 92% for the 2011-2012 school year.*

Action Plan:

ACTION PLAN

DATA: Baseline Assessment Results (Percent at or above Proficient)

Content Area: English Language Arts

Grade / Course	Schoolwide	White (Subgroup 1)	Socioeconomically Disadvantaged (Subgroup 2)
2	52	53	34
3	50	53	53
4	57	56	54
5	55	51	40
6	42	38	36
7	39	35	40
8	38	42	36
9	31	25	38
10	26	30	7
11	10	13	4

ACTION PLAN

Content Area: English Language Arts

Grade	Area / Strands	Action Plan: Student Intervention / Strategy	Professional Development	Evaluation Plan	Timeline / Person Responsible
Schoolwide	*All students need more support with Writing Strategies and Conventions strands*	Provide classroom assessment to target specific standards in this strand. Provide weekly workshops to improve application of writing strategies.	Provide PD on early dismissal days on analysis of assessment for the purpose of driving instruction and selection of appropriate curricular materials	Universal Benchmark (Scantron Performance Series) Assessment, pre/post tests administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.	*Teacher*-identify, assess and provide instruction; *Administrator*-oversight and guidance, arrange for PD and data analysis.
6-11	*ELA/All high school students need additional support in all strands to improve proficiency.*	Provide classroom assessment to target specific standards in these strands. Provide additional 30 minutes per week of tutoring to each student.	Providing PD on early dismissal days on analysis of assessment for the purpose of driving instruction and selection of appropriate curricular materials	Universal Benchmark (Scantron Performance Series) Assessment, pre/post tests administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.	*Teacher*-identify, assess and provide instruction; *Administrator*-oversight and guidance, arrange for PD and data analysis.

10	*ELA/Subgroup 2 needs additional support in all strands to improve proficiency.*	Provide classroom assessment to target specific standards in these strands. Provide additional 30 minutes per week of tutoring to each student.	Providing PD on early dismissal days on analysis of assessment for the purpose of driving instruction and selection of appropriate curricular materials.	Universal Benchmark (Scantron Performance Series) Assessment, pre/post tests administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.	*Teacher*-identify, assess and provide instruction *Administrator*-oversight and guidance, arrange for PD and data analysis; *Title I Aide*-assist in additional tutoring as needed.
Goal Area: Attendance					
Grades	Specific Area Targeted	Action Plan	Professional Development	Evaluation	*Timeline/ Person Responsible*
Schoolwide	*Regular student attendance is essential for attainment of student achievement goals.*	Site based student absences require immediate follow-up from school office. Independent Study absences require bi-weekly notices. Review attendance records during parent meetings. Utilize Lassen County Probation Department to counsel students and their families with excessive absences.	Independent Study teachers to receive additional support on identifying absences based on work product during early dismissal days.	Monthly monitoring of ADA statistics	*Attendance Clerk*-phone calls & documentation to investigate/record absences; *IS Teachers*-make interim reports on inadequate progress; *Lassen Cty Probation*-send out letters and provide visitation; *Administrator*-oversight, guidance, data monitoring & arrange for PD

Appendix D

(Rev 12-07)
California Department of Education
School and District Accountability Division

(CDE use only)

Application #	

No Child Left Behind Act of 2001

LOCAL EDUCATIONAL AGENCY PLAN

mail original and two copies to: **California Department of Education**
School and District Accountability Division
1430 N Street, Suite 6208
Sacramento, California 95814-5901

LEA Plan Information:

Name of Local Educational Agency (LEA): Long Valley Charter School

County/District Code: 18 76729 6010763

Dates of Plan Duration: July 1, 2011 – June 30, 2016

Date of Local Governing Board Approval: March 28, 2011

District Superintendent: Michael Yancey

Address: PO Box 7

City: Doyle Zip code: 96109

Phone: 530-827-2395 Fax: 530-827-3562

Signatures

The superintendent and governing board of the LEA submitting the application sign on behalf of all participants included in the preparation of the plan.

Michael Yancey	3/28/11	
Printed or typed name of Superintendent	Date	Signature of Superintendent
Bill Harkness	3/28/11	
Printed or typed name of Board President	Date	Signature of Board President

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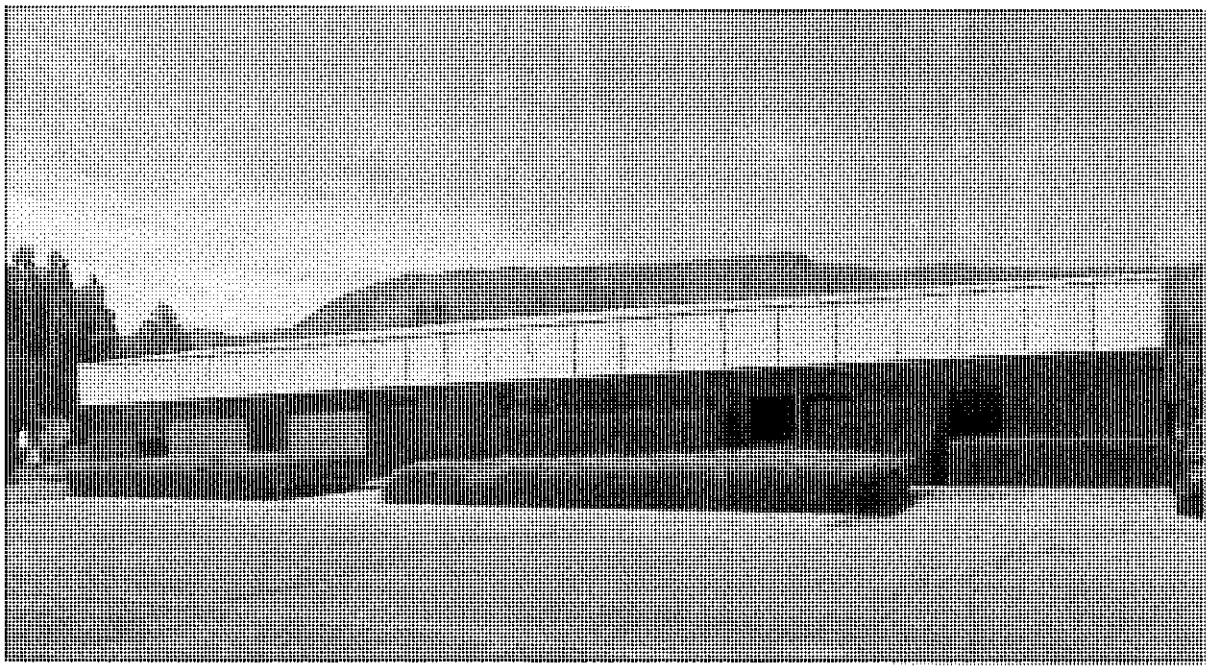
Appendix

Appendix A: ELL Plan
Appendix B: SARC



Part I
Background and Overview

Background

Descriptions of the Consolidated Application, the Local Educational Agency Plan, the Single Plan for Student Achievement, and the Categorical Program Monitoring Process

Development Process for the LEA Plan

LEA Plan Planning Checklist

Federal and State Programs Checklist

District Budget for Federal and State Programs

Background

The No Child Left Behind (NCLB) Act of 2001 embodies four key principles:

- stronger accountability for results;
- greater flexibility and local control for states, school districts, and schools in the use of federal funds
- enhanced parental choice for parents of children from disadvantaged backgrounds, and
- a focus on what works, emphasizing teaching methods that have been demonstrated to be effective.

(Text of the legislation can be found at *http://www.cde.ca.gov/nclb/fr/*.)

In May 2002, California's State Board of Education (SBE) demonstrated the state's commitment to the development of an accountability system to achieve the goals of NCLB by adopting five **Performance Goals**:

1. **All students will reach high standards, at a minimum attaining proficiency or better in reading and mathematics, by 2013-2014.**
2. **All limited-English-proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.**

3. **By 2005-2006, all students will be taught by highly qualified teachers.**
4. **All students will be educated in learning environments that are safe, drug-free, and conducive to learning.**
5. **All students will graduate from high school.**

In addition, 12 performance indicators linked to those goals were adopted (see Appendix A), as specified by the U.S. Department of Education (USDE). Performance targets, developed for each indicator, were adopted by the SBE in May 2003.

Collectively, NCLB's goals, along with the performance indicators and targets, constitute California's framework for ESEA accountability. This framework provides the basis for the state's improvement efforts, informing policy decisions by SBE, and implementation efforts by CDE to fully realize the system envisioned by NCLB. It also provides a basis for coordination with California's Legislature and the Governor's Office.

Since 1995, California has been building an educational system consisting of five major components:

- rigorous academic standards
- standards-aligned instructional materials
- standards-based professional development
- standards-aligned assessment
- an accountability structure that measures school effectiveness in light of student achievement.

As a result, California is well positioned to implement the tenets of NCLB.

State and federally funded initiatives aimed at improving student achievement must complement each other and work in tandem in order to have the greatest impact. In California, the state and federal consolidated applications, competitive grants, the state accountability system, the Categorical Program Monitoring process, **local educational agency plans**, professional development opportunities, and technical assistance all are moving toward a level of alignment and streamlining. The result of this consolidation will be to provide a cohesive, comprehensive, and focused effort for supporting and improving the state's lowest-performing schools and appropriate reporting mechanisms.

Descriptions of the Consolidated Application, the Local Education Agency Plan, and the Categorical Program Monitoring

In order to meet legislative requirements for specific state and federal programs and funding, California currently employs four major processes: the Consolidated State Application, the Local Educational Agency Plan, the school-level Single Plan for Student Achievement, and Categorical Program Monitoring. **California is moving toward more closely coordinating and**

streamlining these processes to eliminate redundancies and make them less labor intensive for LEA's, while continuing to fulfill all requirements outlined in state and federal law.

Below is a brief description of the ways in which these various processes currently are used in California.

The Consolidated Application (ConApp)

The Consolidated Application is the ***fiscal*** mechanism used by the California Department of Education to distribute categorical funds from various state and federal programs to county offices, school districts, and charter schools throughout California. Annually, in June, each LEA submits Part I of the Consolidated Application to document participation in these programs and provide assurances that the district will comply with the legal requirements of each program. Program entitlements are determined by formulas contained in the laws that created the programs.

Part II of the Consolidated Application is submitted in the fall of each year; it contains the district entitlements for each funded program. Out of each state and federal program entitlement, districts allocate funds for indirect costs of administration, for programs operated by the district office, and for programs operated at schools.

The Single Plan for Student Achievement (School Plan)

State law requires that school-level plans for programs funded through the Consolidated Application be consolidated in a *Single Plan for Student Achievement (Education Code Section 64001)*, developed by schoolsite councils with the advice of any applicable school advisory committees. LEA's allocate NCLB funds to schools through the Consolidated Application for Title I, Part A, Title III (Limited English Proficient), and Title V (Innovative Programs/Parental Choice). LEA's may elect to allocate other funds to schools for inclusion in school plans. The content of the school plan includes school goals, activities, and expenditures for improving the academic performance of students to the proficient level and above. The plan delineates the actions that are required for program implementation and serves as the school's guide in evaluating progress toward meeting the goals.

The Local Educational Agency Plan (LEA Plan)

The approval of a Local Educational Agency Plan by the local school board and State Board of Education is a requirement for receiving federal funding subgrants for NCLB programs. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in NCLB. In essence, LEA Plans describe the actions that LEAs will take to ensure that they meet certain ***programmatic*** requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required. In addition, LEA Plans

summarize assessment data, school goals and activities from the *Single Plans for Student Achievement* developed by the LEA's schools.

Categorical Program Monitoring (CPM)

State and federal law require CDE to monitor the implementation of categorical programs operated by local educational agencies. This state-level oversight is accomplished in part by conducting on-site reviews of eighteen such programs implemented by local schools and districts. Categorical Program Monitoring is conducted for each district once every four years by state staff and local administrators trained to review one or more of these programs. The purpose of the review is to verify ***compliance*** with requirements of each categorical program, and to ensure that program funds are spent to increase student achievement and performance.

Development Process for the LEA Plan

LEAs must develop a single, coordinated, and comprehensive Plan that describes the educational services for all students that can be used to guide implementation of federal and state-funded programs, the allocation of resources, and reporting requirements. The development of such a plan involves a continuous cycle of assessment, parent and community involvement, planning, implementation, monitoring, and evaluation. The duration of the Plan should be five years. The Plan should be periodically reviewed and updated as needed, but at least once each year.

PLANNING CHECKLIST
FOR LEA PLAN DEVELOPMENT

✓	LEA Plan – Comprehensive Planning Process Steps
X	1. Measure effectiveness of current improvement strategies
X	2. Seek input from staff, advisory committees, and community members.
X	3. Develop or revise performance goals
X	4. Revise improvement strategies and expenditures
X	5. Local governing board approval
X	6. Monitor Implementation

FEDERAL AND STATE PROGRAMS CHECKLIST

Check (√) all applicable programs operated by the LEA. In the "other" category, list any additional programs that are reflected in this Plan.

Federal Programs		State Programs	
X	Title I, Part A		EIA – State Compensatory Education
	Title I, Part B, Even Start		EIA – Limited English Proficient
	Title I, Part C, Migrant Education		State Migrant Education
	Title I, Part D, Neglected/Delinquent		School Improvement
X	Title II, Part A, Subpart 2, Improving Teacher Quality		Child Development Programs
	Title II, Part D, Enhancing Education Through Technology		Educational Equity
	Title III, Limited English Proficient		Gifted and Talented Education
	Title III, Immigrants		Gifted and Talented Education
	Title IV, Part A, Safe and Drug-Free Schools and Communities		Tobacco Use Prevention Education (Prop 99)
	Title V, Part A, Innovative Programs – Parental Choice		Immediate Intervention/ Under performing Schools Program
	Adult Education		School Safety and Violence Prevention Act (AB1113, AB 658)
	Career Technical Education		Tenth Grade Counseling
	McKinney-Vento Homeless Education		Healthy Start
	IDEA, Special Education		Dropout Prevention and Recovery Act: School Based Pupil Motivation and Maintenance Program (SB 65)
	21st Century Community Learning Centers	X	Charter School Block Grant
	Other (describe):		Other (describe):
	Other (describe):		Other (describe):

DISTRICT BUDGET FOR FEDERAL PROGRAMS

Please complete the following table with information for your district.

Programs	Prior Year District Carryovers	Current Year District Entitlements	Current Year Direct Services to Students at School Sites ($)	Current Year Direct Services to Students at School Sites (%)
Title I, Part A		$22,764		
Title I, Part B, Even Start				
Title I, Part C, Migrant Education				
Title I, Part D, Neglected/Delinquent				
Title II Part A, Subpart 2, Improving Teacher Quality		$2,017		
Title II, Part D, Enhancing Education Through Technology				
Title III, Limited English Proficient				
Title III, Immigrants				
Title IV, Part A, Safe and Drug-free Schools and Communities				
Title V, Part A, Innovative Programs – Parental Choice				
Adult Education				
Career Technical Education				
McKinney-Vento Homeless Education				
IDEA, Special Education				
21st Century Community Learning Centers				
Other (describe)				
TOTAL	0	$2,017	0	0

DISTRICT BUDGET FOR STATE PROGRAMS

Please complete the following table with information for your district.

Categories	Prior Year District Carryovers	Current Year District Entitlements	Current Year Direct Services to Students at School Sites ($)	Current Year Direct Services to Students at School Sites (%)
EIA – State Compensatory Education				
EIA – Limited English Proficient				
State Migrant Education				
School and Library Improvement Block Grant				
Child Development Programs				
Educational Equity				
Gifted and Talented Education				
Tobacco Use Prevention Education – (Prop. 99)				
High Priority Schools Grant Program (HPSG)				
School Safety and Violence Prevention Act (AB 1113)				
Tenth Grade Counseling				
Healthy Start				
Dropout Prevention and Recovery Act: School-based Pupil Motivation and Maintenance Program (SB 65)				
*Charter School Block Grant		$34,930		
TOTAL	0	$34,930	0	0

*The state Charter School Block Grant can include:

- Advanced Placement (AP) Program - Exam Fee Assistance (AB 2216, Chapter 793/98)
- Class-Size Reduction, Grade 9 (or continuation of grades 10-12 class-size reduction; SB 12, Chapter 334/98)
- Community Day Schools
- Dropout Prevention Programs
  - Educational Clinics
  - Implementation Model
  - Alternative Work Centers
  - Motivation/Maintenance (Outreach Consultants)
- Foster Youth Services
- Gifted & Talented Education (GATE)
- Instructional Materials Realignment (AB 1781)
- Instructional Time and Staff Development Reform Program (Staff Development Day Buyout)
- Opportunity Programs & Classes
- School Improvement Programs (SIP) - Grades 7 to 12
- School Improvement Programs (SIP): Grades K to 6
- School Safety: School Safety Block Grant
- Staff Development: Beginning Teacher Support & Assessment (BTSA)
- Staff Development: Mathematics and Reading (AB 466)
- Staff Development: Peer Assistance & Review Program (PAR) for Teachers (AB 1X, Chapter 4/99 eff. 4/6/99)
- Supplemental Grants
- Tenth Grade Counseling
- The Charter School Categorical Block Grant also contains an amount in lieu of Economic Impact Aid (EIA) funding

Part II

The Plan

Descriptions – District Planning

District Profile

Local Measures of Student Performance

Performance Goal 1

Performance Goal 2

Performance Goal 3

Performance Goal 4

Performance Goal 5

Additional Mandatory Title I Descriptions

District Profile

Long Valley Charter School's goal is to develop students who are competent, self-motivated, life-long learners. They shall possess the skills, habits and attitudes to be successful throughout life. By providing a vehicle for meaningful involvement, we plan to bridge the gap between school and home. Parents are the essential link in improving education. Students will observe, first hand, their parents and teachers working together to make a difference. Long Valley Charter School identifies an educated person of the 21st century as one who possesses the following:

- Knowledge of and ability to demonstrate solid skills in reading, writing and speaking
- A core knowledge, which includes cultural, mathematical and scientific literacy
- Ability to think logically, critically and creatively
- Understand technology and its uses, and the ability to use technology as a tool
- Find and select, evaluate, organize, and use information from various sources
- Accept challenges and utilize opportunities.
- Develop comprehensive communication skills
- Knowledge of pertinent health issues and the development of physical fitness

Grade level expectations for behavior and academics are developed using current research in collaboration with all segments of the school community including classifies staff and parents.

School Profile:

The Long Valley Charter School is one school district with a kindergarten through twelfth grade enrollment of approximately 420 students.

The latest student population shows 77% Caucasian, 7.8% Hispanic, 4.4% Native American, .5% Asian and .5 African American.

The primary language of the students is English.

The school is comprised of one site based program K-8 and four independent study resource centers for K-12.

The faculty consists of 25 fully credentialed teachers. Credentialed music and art teachers provide the school wide Fine Arts program.
The site based program Kindergarten through third grades participates in the Class Size Reduction Program.

The site based program offers more than the Stare required instructional minutes at every grade level:

Kindergarten = 42,480 minutes per school year

1st - 8th grades = 55,755 minutes per school year.

The school currently has 21.6% students who are economically disadvantaged.

Performance Goal 1: ***All students will reach high standards, at a minimum, attaining proficiency or better in reading and mathematics, by 2013-2014.***

Planned Improvement in Student Performance in Reading

Description of Specific Actions to Improve Education Practice in **Reading**	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
1. Alignment of instruction with content standards: LVCS will take the following steps to align instruction with California State Content Standards: 1) All teachers have aligned their course content in Language Arts by attending courses held at the Lassen County Office of Education. 2) Principal will receive training on standards and how to coach, supervise and evaluate teachers. 3) Teacher recruitment, hiring, and evaluation will focus on standards. 4) Textbook and supplemental materials align with the Standards. 5) Evaluations will stress mastery of Standards-based content.	1. Principal 2. Teachers 3. Paraprofessionals Timeline ongoing	1. Release time 2. Consultant Fees	1. Less than $3000	1. General Fund 2. Title 1
2. Use of standards-aligned instructional materials and strategies: 1) LVCS will continue to purchase materials on State Adopted K-8 List or aligned with the California State Content Standards	1. Principal 2. Teachers 3. Paraprofessionals Timeline ongoing	1. Reading instructional materials 2. Duplicating cost	1. Less than $5,000	1. State Instructional Materials Fund 2. General Fund 3. Title 1

2) Teachers examine student work at grade level meetings, to ensure grade level standards are mastered. 3) Teacher lesson plans make reference to standards taught. 4) Teachers use the "Standards Plus" on a daily basis.				
3. Extended learning time: 1) LVCS Teachers offer an additional hour of tutoring assistance after school. 2) LVCS participates in California Youth Services (CYS) after school program. Students receive homework assistance.	1. Principal 2.Teachers 3. Paraprofessionals 4. CYS Timeline is ongoing	CYS charges a fee directly to families or the military.	None	N/A

Description of Specific Actions to Improve Education Practice in **Reading**	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
4. Increased access to technology: 1) Use of listening centers in primary grades. 2) Use of videos to stimulate interest in topics. 3) Use of Internet to locate interactive reading activities. 4) Use of additional computer stations within each classroom and resource center for increased writing skills as related to the California State Standards. 5) Implement the Technology Plan that focuses on the Language Arts Standards. 6) Professional technology support purchased through Lassen County Office of Education to keep level of access maintained.	1. Teachers 2. Principal 3. Paraprofessionals 4. Lassen County Office of Education Timeline is ongoing	1. Internet Fees 2. LCOE Service Fees	$12,000- $15,000	1. General Fund 2. Title 1
5. Staff development and professional collaboration aligned with standards-based instructional materials: 1) The staff will attend countywide workshops when adopting new materials. 2) New teachers will participate in BTSA, with activities which focus on standards-based reading materials. 3) Based on staff input, district will provide an annual in-service workshop.	1) Teachers 2) Principal 3) Para-professionals Timeline is ongoing	1) BTSA stipends and other costs 2) Consultant/ presenter fees 3) Release time/ substitute costs	1) Less than $1500	1) BTSA 2) General Fund 3) Title 1

6. Involvement of staff, parents, and community (including notification procedures, parent outreach, and interpretation of student assessment results to parents): 1) LVCS will maintain a Site Council with staff, parent and community representatives. The Council receives reports on overall student assessment results in reading and communicates the results to the entire school community. Site Council also contributes input on how to improve the school's reading program. 2) LVCS will send each parent his/her student's individual assessment results, with an explanation of how to interpret them. 3) Each parent will be invited to a parent conference, at which teachers discuss the reading program and assessment results. 4) Each parent will receive a parent handbook yearly, stating the State Content Standards for that grade level and home activities available for parents to help his/her child improve academically.	1) Teachers 2) Principal 3) Para-professionals 4) Site Council 5) Parents	1) Mailing costs	1) Less than $500	1) Title 1 2) General Fund
7. Auxiliary services for students and parents (including transition from preschool, elementary, and middle school): 1) Title 1 will work in K-8 classrooms to assist teachers in helping students acquire reading skills. 2) Read Naturally program is utilized for students reading below grade level 3) Students participate in CYS program after school. 4) Lassen County Office of Education (LCOE)	1) Teachers 2) LCOE Resource Teacher 3) Principal 4) Para-professionals	1) LCOE Resource Teacher 2) Salaries/Benefits of Paraprofessionals		1) SELPA Funds 2) Title 1 3) General Fund

program on site for preschool age children with speech and language delays and learning disabilities. 5) Preschool students and parents participate in a Kindergarten roundup in the spring to meet the teacher in the classroom. 6) The high school counselor meets with 8th grade students and their parents to prepare for high school. In the spring, 8th grade students participate in Freshman Orientation at the local High School campus.				
8. Monitoring program effectiveness: 1) The administration and Charter School Board will full support the Public School Accountability Act. 2) The Charter School will participate in all phases of the State's standards-based assessment system, including the California Standards Tests. 3) Test data and API results will be used to monitor programs and drive changes in instructional practice, when needed. 4) The Charter School has a Single Plan for Student Achievement, and the Principal and Site Council have the responsibility for monitoring progress and making needed revisions. 5) Teachers will regularly assess students' mastery of standards by examining student work; re-teaching occurs as needed. 6) Teachers will use the SCANTRON program periodically to determine student growth and needs as related to the California State Content Standards.	1) Teachers 2) Principal 3) Resource Teacher 4) Para-professionals 5) Board Members Timeline is ongoing	1) SCANTRON 2) State Testing Program		1) General Fund 2) Title 1

Description of Specific Actions to Improve Education Practice in Reading	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
9. Targeting services and programs to lowest-performing student groups: 1) Classroom based students in grades 2-8, scoring below the 50th percentile in reading will receive extra assistance from the Title I teachers and paraprofessionals. 2) Students in grades 2-11, scoring below the 50th percentile in reading will be enrolled in the Accelerated Reading program. 3) Students, scoring below proficient on the CST will receive additional help from the school staff. 4) As a trial, Independent Study students scoring below the 50th percentile in reading will be enrolled in DORA: Diagnostic Online Reading Assessment & Reading Practice program.	1) Teachers 2) Principal 3) Resource Teacher 4) Para-professionals 5) Tutors	1) Salaries & benefits 2) Costs for tutors 3) Cost for AR Program 4) Cost for DORA Program	1) Less than $7000	1) General Fund 2) Title 1
10. Any additional services tied to student academic needs: 1) The Lassen County Office of Education offers assistance with individuals with special needs.	1) Special Education 2) Health Services 3) Psy Services	1) Salaries & Benefits	1) Less than $4000	1) Special Education 2) General Fund 3) Title 1

Performance Goal 1: ***All students will reach high standards, at a minimum, attaining proficiency or better in reading and mathematics, by 2013-2014.***

Planned Improvement in Student Performance in Mathematics

Description of Specific Actions to Improve Education Practice in **Mathematics**	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
1. Alignment of instruction with content standards: LVCS will take the following steps to align instruction with California State Content Standards: 1) All teachers have aligned their course content in Mathematics by attending courses held at the Lassen County Office of Education. 2) Principal will receive training on standards and how to coach, supervise and evaluate teachers. 3) Teacher recruitment, hiring, and evaluation will focus on standards. 4) Textbook and supplemental materials align with the Standards. 5) Evaluations will stress mastery of Standards-based content	1) Principal 2) Teachers 3) Para-professionals Timeline is ongoing	1) Release time 2) Consultant Fees	1) Less than $4,000	1) General Fund 2) Title 1
2. Use of standards-aligned instructional materials and strategies: 1) LVCS will continue to purchase materials on State Adopted K-8 List or aligned with the California State Content Standards	1) Principal 2) Teachers 3) Para-professionals Timeline is ongoing	1) Math instructional materials 2) Duplicating costs	1) Less than $8,000	1) State Instructional Materials Fund 2) General Fund

2) Teachers examine student work at grade level meetings, to ensure grade level standards are mastered. 3) Teacher lesson plans make reference to standards taught. 4) Teachers use the "Standards Plus" on a daily basis.				3) Title 1
3. Extended learning time: 1) LVCS Teachers offer an additional hour of tutoring assistance after school. 2) LVCS participates in California Youth Services (CYS) after school program. Students receive homework assistance.	1) Principal 2) 2.Teachers 3) Para-professionals 4) CYS Timeline is ongoing	CYS charges a fee directly to families or the military.	None	N/A

Description of Specific Actions to Improve Education Practice in **Mathematics**	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
4. Increased access to technology: 1) Use a variety of software based Math activities to reinforce the California Math Content Standards. 2) Use of Internet to locate interactive Math activities 3) Use of additional computer stations in each classroom to increase student access 4) Professional technology support purchased through Lassen County Office of Education (LCOE) to keep level of access maintained.	1) Teachers 2) Principal 3) Para-professionals 4) LCOE Technology Timeline is Ongoing	1) Computers 2) Internet Fees 3) LCOE	$12-15,000	1) General Fund 2) Title 1
5. Staff development and professional collaboration aligned with standards-based instructional materials: 1) The staff will attend countywide workshops when adopting new materials. 2) New teachers will participate in BTSA, with activities which focus on standards-based Mathematics materials. 3) Based on staff input, district will provide an annual in-service workshop.	1)Teachers 2)Principal 3)Para-professionals Timeline is ongoing	1) BTSA stipends and other costs 2) Consultant/ presenter fees 3) Release time/ substitute costs	1) Less than $1500	1) BTSA 2) General Fund 3) Title 1

6. Involvement of staff, parents, and community (including notification procedures, parent outreach, and interpretation of student assessment results to parents): 1) LVCS will maintain a Site Council with staff, parent and community representatives. The Council receives reports on overall student assessment results in Mathematics and communicates the results to the entire school community. Site Council also contributes input on how to improve the school's Mathematics program. 2) LVCS will send each parent his/her student's individual assessment results, with an explanation of how to interpret them. 3) Each parent will be invited to a parent conference, at which teachers discuss the Mathematics program and assessment results. 4) Each parent will receive a parent handbook yearly, stating the State Content Standards for that grade level and home activities available for parents to help his/her child improve academically.	1) Teachers 2) Principal 3) Para-professionals 4) Site Council 5) Parents	1) Mailing costs	1) Less than $500	1) Title I 2) General Fund
7. Auxiliary services for students and parents (including transition from preschool, elementary, and middle school): 1) Title I will work in K-8 classrooms to assist teachers in helping students acquire Mathematics skills. 2) Students participate in CYS program after school. 3) Lassen County Office of Education (LCOE)	1) Teachers 2) LCOE Resource Teacher 3) Principal 4) Para-professionals	1) LCOE Resource Teacher 2) Salaries/Benefits of Paraprofessionals	$4,000 - $6,000	1) SELPA Funds 2) Title I 3) General Fund

program on site for preschool age children with speech and language delays and learning disabilities. 4) Preschool students and parents participate in a Kindergarten roundup in the Spring to meet the teacher in the classroom. 5) The high school counselor meets with 8th grade students and their parents to prepare for high school. In the spring, 8th grade students participate in Freshman Orientation at the local High School campus.				
8. Monitoring program effectiveness: 1) The administration and Charter School Board will full support the Public School Accountability Act. 2) The Charter School will participate in all phases of the State's standards-based assessment system, including the California Standards Tests. 3) Test data and API results will be used to monitor programs and drive changes in instructional practice, when needed. 4) The Charter School has a Single Plan for Student Achievement, and the Principal and Site Council have the responsibility for monitoring progress and making needed revisions. 5) Teachers will regularly assess students' mastery of standards by examining student work; reteaching occurs as needed. 6) Teachers will use the SCANTRON program periodically to determine student growth and needs as related to the California State Content Standards.	1) Teachers 2) Principal 3) Resource Teacher 4) Para-professionals 5) Board Members Timeline is ongoing	1) SCANTRON 2) State Testing Program	$1,000 - $2,000	1) General Fund 2) Title I

Description of Specific Actions to Improve Education Practice in **Mathematics**	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
9. Targeting services and programs to lowest-performing student groups: 1) Classroom based students in grades 2-8, scoring below the 50th percentile in Mathematics will receive extra help from Title 1 Teachers and Paraprofessionals. 2) Students scoring below proficient on the CST will receive additional assistance from the school staff. 3) Students in grades 2-11 below the 50th percentile in Mathematics will have access to Accelerated Math and Fast Facts.	1) Teachers 2) Principal 3) Resource Teacher 4) Para-professional 5) Tutors Timeline is ongoing	1) Salaries & benefits 2) Costs for tutors	$4,000 - $6,000	1) Special Education 2) General Fund 3) Title 1
10. Any additional services tied to student academic needs: Lassen County Office of Education offers assistance with individuals with special needs.	1) Special Education 2) Health Services 3) Psy Services	1) Salaries & Benefits	1) Less than $4000	3) Special Education 4) General Fund 5) Title 1

Performance Goal 2: ***All limited-English-proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in reading/language arts and mathematics.***

Planned Improvement in Programs for LEP Students and Immigrants (Title III)

		Description of how the LEA is meeting or plans to meet this requirement.
Required Activities	1. (Per Sec. 3116(b) of NCLB, this Plan must include the following: a. Describe the programs and activities to be developed, implemented, and administered under the subgrant; b. Describe how the LEA will use the subgrant funds to meet all annual measurable achievement objectives described in Section 3122; c. Describe how the LEA will hold elementary and secondary schools receiving funds under this subpart accountable for: ▪ meeting the annual measurable achievement objectives described in Section 3122; ▪ making adequate yearly progress for limited-English-proficient students (Section 1111(b)(2)(B); ▪ annually measuring the English proficiency of LEP students so that the students served develop English proficiency while meeting State Academic standards and student achievement (Section 1111(b)(1); Describe how the LEA will promote parental and community participation in LEP programs.	Long Valley Charter School utilizes state adopted materials for English Development that are aligned with recognized research in effective language acquisition.

	2. Describe how the LEA will provide high quality language instruction based on scientifically based research (per Sec. 3115(c) . The effectiveness of the LEP programs will be determined by the increase in: • English proficiency; and • Academic achievement in the core academic subjects	All LEP students are assessed with the CELDT annually to determine their level of English proficiency (See CELDT Results Reporting of numbers at http://cekdt.cde.ca.gov/celdpre/logon.asp Password: develop) The number of students who are progressing through the levels of English acquisition will be monitored to determine the program's effectiveness. All ELL students are assessed with the CST annually to determine their level of proficiency in mathematics and Reading/Language Arts. Students scoring BASIC and above will be determined to be "proficient" in these subjects. Our goal is to increase the percentage of students who are proficient.

		Description of how the LEA is meeting or plans to meet this requirement.
Required Activities	3. Provide high quality professional development for classroom teachers, principals, administrators, and other school or community-based personnel. a. designed to improve the instruction and assessment of LEP children; b. designed to enhance the ability of teachers to understand and use curricula, assessment measures, and instruction strategies for limited-English-proficient students; c. based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the teachers' subject matter knowledge, teaching knowledge, and teaching skills; d. long term effect will result in positive and lasting impact on teacher performance in the classroom.	Long Valley Charter School will maintain adequate authorized staff to teach ELD and SDAIE and provide training on : CELDT administration; SCANTRON student assessment program; DATA DIRECTOR student management system; ELD curriculum alignment to standards and sheltered second language instructional strategies; and accountability data on the evaluation of the ELD program. The long term effect will be system that can quickly identify EL student needs and provide appropriate instructional intervention for students that ensures their attainment of English proficiency in a reasonable time frame.

Allowable Activities	4. Upgrade program objectives and effective instruction strategies.	**Yes or No** Yes	**If yes, describe:** The district will participate in the Lassen County Title III consortium advisory meetings which provide information and training relative to the most recent information on new state and federal ELL requirements.
		Description of how the LEA is meeting or plans to meet this requirement.	
Allowable Activities	5. Provide – a. tutorials and academic or vocational education for LEP students; and b. intensified instruction.	**Yes or No** Yes	**If yes, describe:** a) ELL students who are not making progress in the regular ELD program will receive additional opportunities to learn English before or after school. It is expected that students who enter the district at a "Beginner" Level will be reclassified within 5 years of ELD instruction. b) Student Appraisal Team monitors the progress of ELL students and identifies students who need intensified instruction with the assistance of a bilingual aide.
Allowable Activities	6. Develop and implement programs that are coordinated with other relevant programs and services.	**Yes or No** Yes	**If yes, describe:** The Student Appraisal Team reviews each student's progress and determines the need for coordination with services such as Special Education and Title I staff.

	7. Improve the English proficiency and academic achievement of LEP children.	**Yes or No** Yes	**If yes, describe:** a) The district maintains an ELL folder for each EL student and monitors his/her progress on an annual basis. State assessments (ELDT, CAT-6, CST, CAHSEE), local assessments (Solom, Adept, Woodcock-Munoz), grades and teacher evaluation of student are recorded in the ELL folder for and reviewed annually. A list of students reclassified and monitored is maintained. ELL students' progress is compared to non-ELL students to ensure that the program is continuing to close the gap.

		Description of how the LEA is meeting or plans to meet this requirement.	
Allowable Activities	8. Provide community participation programs, family literacy services, and parent outreach and training activities to LEP children and their families – ○ To improve English language skills of LEP children; and ○ To assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.	**Yes or No** Yes	**If yes, describe:** The district will continue to implement Data Director student information system and Scantron Performance Series which assess and monitor student progress in the classroom and at school and district levels. These programs enable teachers to provide specific interventions for individuals and groups of students that are standards-based materials. Parents are informed of progress and participate in meetings of the ELAC.
	9. Improve the instruction of LEP children by providing for – ○ The acquisition or development of educational technology or instructional materials ○ Access to, and participation in, electronic networks for materials, training, and communication; and ○ Incorporation of the above resources into curricula and programs.	**Yes or No** Yes	**If yes, describe:** The electronic network of school/districts participating in the Title III consortium is maintained to ensure the districts in Lassen are coordinating and sharing their expertise. This extensive monitoring system will keep the district informed about the progress of students and ultimately the needs of the district regarding program effectiveness.
	10. Other activities consistent with Title III.	**Yes or No** No	**If yes, describe:**

Plans to Notify and Involve Parents of Limited-English-Proficient Students

Parents of Limited-English-Proficient students must be notified: The outreach efforts include holding and sending notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from parents.		Description of how the LEA is meeting or plans to meet this requirement.
Required Activity	1. LEA informs the parent/s of an LEP student of each of the following (per Sec. 3302 of NCLB): a. the reasons for the identification of their child as LEP and in need of placement in a language instruction educational program; b. the child's level of English proficiency, how such level was assessed, and the status of the student's academic achievement; c. the method of instruction used in the program in which their child is or will be, participating, and the methods of instruction used in other available, programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction; d. how the program in which their child is, or will be participating will meet the educational strengths and needs of the child; e. how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;	Parents of all assessed students will be given all notifications written in the primary language. Annual notifications will include; • reasons for student identification as LEP • student's proficiency level and how determined • program options, methods, goals • relevancy of selected program to specifically meet student's needs and strengths, age appropriate standards, requirements for promotion and graduation, attainment of English fluency. • Specific exit requirements for the program, expected rate of transition from EL program to non EL classrooms, expected rate of graduation from secondary school • In the case of a student with a disability, the extent to which the program meets the objectives of the Individualized Education Plan.

	f. the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools; g. in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; h. information pertaining to parental rights that includes written guidance detailing – i. the right that parents have to have their child immediately removed from such program upon their request; and ii. the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; iii. the LEA assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the LEA.	• Detailed explanation of parental rights to have the student immediately removed from the program, to decline enrollment in program or choose another program • Detailed explanation of the option that parents have the right to decline to enroll their child in such program or to choose another program or method of instruction, if available. • How the Long Valley Charter School will assist parents in selecting among various programs and methods of instruction, if more than one program or method is offered by Long Valley Charter School.
Note: Notifications must be provided to parents of students enrolled since the previous school year: not later than 30 days after the beginning of the schools year. If students enroll after the beginning of the school year, parents must be notified within two weeks of the child being placed in such a program.		
LEA Parent Notification Failure to Make Progress If the LEA fails to make progress on the annual measurable achievement objectives it will inform parents of a child identified for participation in such program, or participation in such program, of such failure not later than 30 days after such failure occurs.		

Performance Goal 3: ***By 2005-06, all students will be taught by highly qualified teachers.***

Summary of Needs and Strengths for Professional Development

[Description of activities under Title II, Part A, Subpart 1, Grants to LEA]

STRENGTHS	NEEDS
The small size of the school is important in being able to share learned concepts from professional development opportunities. The school board supports all professional development opportunities The Lassen County Office of Education makes available numerous low cost professional development workshops and seminars covering a broad range of academic and technology topics. The staff has taken advantage of many professional development opportunities and is trained in many curriculum development programs. The staff has received training various areas of educational technology. Paraprofessionals are included in staff development opportunities. The Education Director participates in ASCA, CSBA, SSDA conferences focusing on best educational practices for small schools	All teachers need to be trained in the use of SCANTRON and DATA DIRECTOR programs to help enable them to determine the standards growth of all students. To receive training to better understand how to analysis and interpret test data. Continue to gain professional development in understanding and techniques to teach the California State Standards. To receive training in RTI development and implementation programs. To receive training in supplemental programs for both remediation and advancement. Advanced training for Paraprofessionals

Performance Goal 3: ***By 2005-06, all students will be taught by highly qualified teachers.***

Planned Improvements for Professional Development (Title II)
(Summarize information from district-operated programs and approved school-level plans)

Please provide a description of:	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
1. How the professional development activities are aligned with the State's challenging academic content standards and student academic achievement standards, State assessments, and the curricula and programs tied to the standards: ---------- 1. The Lassen County Office of Education offers assistance by providing curriculum activities and training aligned with the California State Content Standards. 2. Response to Intervention (RTI) Specialists from the Lassen County Office of Education offer on-going training to assist with the development and implementation of RTI programs.	1. LCOE Curriculum Consultants 2. Education Director 3. Teachers	I. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I
2. How the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement: ---------- 1. The Lassen County Office of Education offers assistance by providing scientifically–based research activities aligned to the California State Content Standards. 2. BTSA provides training and leadership in scientifically based activities aligned to the California State Standard.	1. LCOE Curriculum Consultants 2. Education Director 3. Teachers 4. Para-professionals	1. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I

Please provide a description of:	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
3. How the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students: ---------- 1. The school will concentrate on the following: A. How does it focus on students meeting/exceeding key/essential standards through the use of State adopted and standards based materials and formative assessments. B. How close to the instructional work of teachers is the professional development designed. C. To what degree is the system built on the strengths and needs of the staff in relation to academic and cultural learning strengths and needs of the student population in teacher's classrooms. D. How well do selected professional development resources apply to particular under-performing student populations. E. How well integrated are materials adoption/selection, intervention approaches, and family and community relations with the professional development system.	1. LCOE Curriculum Consultants 2. Education Director 3. Teachers 4. Para-professionals	1. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I
4. How the LEA will coordinate professional development activities authorized under Title II, Part A, Subpart 2 with professional development activities provided through other Federal, State, and local programs: ----------	1. LCOE Curriculum Consultants 2. Education Director	1. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I

1. The school staff and school advisory council will ensure that the professional development activities are coordinated to address staff needs in assisting all students to meet or exceed the State academic achievement standards. Activities will be designed to help teachers integrate standards-based curriculum, instructional practice, assessment and understanding of the management, interventions, and working with student's families, and other topics required by funding sources will be addressed within the context of ensuring that all students meet or exceed State content and academic achievement standards.	3. Teachers 4. Para-professionals			
5. The professional development activities that will be made available to teachers and principals and how the LEA will ensure that professional development (which may include teacher mentoring) needs of teachers and principals will be met: ---------- 1. The role of the Lassen County Office of Education with small charter schools and districts is similar to that of the district office in a large school district. The County Office provides guidance and organization for professional development activities and many workshops are scheduled by the office to meet the needs of the teaching and administrative staffs of the charter schools and districts. 2. The Education Director will meet annually with staff and prepare a plan based upon needs assessment which will include training and conferences. The plan will be revised as needed.	1. LCOE Curriculum Consultants 2. Education Director 3. Teachers 4. Para-professionals	1. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I

Please provide a description of:	Persons Involved/ Timeline	Related Expenditures	Estimated Cost	Funding Source
6. How the LEA will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy: ---------- 1. The school will ensure that technology related professional development links to other schools/districts, and school professional development activities that are coordinated to address staff needs in assisting all students to meet or exceed State academic achievement standards	1. LCOE Curriculum Consultants 2. Education Director 3. Teachers 4. Para-professionals	1. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I
7. How students and teachers will have increased access to technology; and how ongoing sustained professional development for teachers, administrators, and school library media personnel will be provided in the effective use of technology. (Note: A minimum of 25% of the Title II, Part D Enhancing Education through Technology funding must be spent on professional development.): ---------- 1. The school will develop a computer lab for use by students and staff. The school will purchase laptop computers for use by staff to remotely access technology. 2. The school will provide access to online professional development for staff training in the effective use of technology. The school participates in numerous trainings and workshops on the effective use of technology sponsored by the Lassen County Office of Education.				

8. How the LEA, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of professional development activities and in the preparation of the LEA Plan: ---------- 1. The school does a needs assessment to determine Professional Development activities for administrators, teachers, paraprofessionals, advisory council members and board members through the school advisory council. This council is made up of administrators, teachers, paraprofessionals, and				
9. How the LEA will provide training to enable teachers to: • Teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency; • Improve student behavior in the classroom and identify early and appropriate interventions to help all students learn; • Involve parents in their child's education; and • Understand and use data and assessments to improve classroom practice and student learning. ---------- 1. Teachers collaborate to focus on selecting benchmark assessments for key/essential standards and joint review of student work on those assignments, including planning for addressing diverse needs, student behavior, management, and working with families.				

2. Staff development days focused on practicing core research-based practices used in the standards-based materials in the subject matter areas of most needed improvement also includes planning for addressing diverse student needs, student behavior management and working with families within a standards based system. 3. The Education Director's professional development will combine the leader's role in supporting standards implementation and addressing diverse needs of students, particularly students in the lowest performing groups.				
10. How the LEA will use funds under this subpart to meet the requirements of Section 1119: ---------- 1. The school will partnership with neighboring districts and the local Community College to provide course work and tutoring locally in subject matter competency in English/language arts, mathematics, science, and English language development. 2. The school will provide local test preparation support for teachers.	1. Local Community College staff 2. Education Director 3. Teachers 4. Paraprofessionals	1. Release time 2. Sub Pay	$2,000	1. SBCP 2. Title I

Performance Goal 4: ***All students will be educated in learning environments that are safe, drug-free, and conducive to learning.***

Environments Conducive to Learning (Strengths and Needs):
Please provide a list of the LEA's strengths and needs regarding how students are supported physically, socially, emotionally, intellectually, and psychologically in environments that are conducive to learning, along with the LEA's strengths and needs regarding student barriers to learning (e.g., attendance, mobility, and behavior).

STRENGTHS	NEEDS
1. Coordinated school crisis response and management plans with law enforcement and emergency response systems. 2. Appropriate and effective school policies regarding student and staff conduct, bullying and violence prevention, and disciplinary procedures. 3. School safety plans updated annually with participation from parents and students. 4. School wide public address system. 5. Staff maintains strong relationships with community service providers; students and families are provided contact information as needed in order to access these community services.	1. Telephones in all classrooms 2. Additional counseling time, available for all Long Valley Charter School students in grades K-12.

Environments Conducive to Learning (Activities):
Please list the activities or programs supported by all NCLB or state funded programs that the LEA will implement to support students physically, socially, emotionally, intellectually, and psychologically in environments that are conducive to learning. Include programs and strategies designed to address students' barriers to learning (e.g. attendance and behavior). Include a copy of the LEA's code of conduct or policy regarding student behavior expectations.

ACTIVITIES
1. At least one school staff member participates in countywide programs and receives training and materials throughout the year regarding youth asset development, bullying and violence prevention, nutrition, substance use prevention, HIV prevention, and other resiliency building programs. 2. Prevention activities that are designed to maintain safe, disciplined, and drug-free environments, including participation in Too Good For Drugs, Red Ribbon Week activities, staff development and teacher training in research based programs and practices. 3. Use of research based violence prevention curriculum in all classes and after school programs: w/components that include Violence prevention/conflict resolution and character development. 4. Tobacco intervention and/or cessation services for all students. 5. Peer mediation, conflict resolution, or character education programs. 6. The site based students participate in the Governor's Challenge, a physical fitness program. 7. Children's Youth Services works with the school in a program to develop and provide healthy activities for students. 8. Parents sign a Teacher/Parent/Student compact regarding school expectations; this compact is located in the "Back To School" Packet.

Needs and Strengths Assessment (4115(a)(1)(A)):
Based on data regarding the incidence of violence and alcohol, tobacco, and other drug use in the schools and communities to be served, and other qualitative data or information, provide a list of the LEA's strengths and needs related to preventing risk behaviors.

STRENGTHS	NEEDS
LVCS has benefited from coordination of the countywide program to obtain reliable data for both the school and the County. Our staff participation in the countywide programs facilitated by the County Office Safe and Drug-Free Schools Coordinator has allowed the staff to receive specialized training in prevention, youth development, and early identification of risky behaviors. LVCS staff provides positive role models in a small family atmosphere and with varied after school activities.	LVCS would benefit from partnering with community and county services to enhance prevention education and intervention and referrals to appropriate local service providers. Additional counseling staff.

Science Based Programs (4115 (a)(1)(C)):
The LEA must designate and list the science-based programs (programs proven by science to effectively prevent tobacco use, alcohol use, other drug use, and violence) the LEA will adopt and implement to serve 50 percent or more of the students in the target grade levels. Indicate below your program selections, and provide all other requested information.

Science-Based Program Name	Program ATODV Focus	Target Grade Levels	Target Population Size	Purchase Date	Staff Training Date	Start Date
Positive Action	ATODV	K-12	200	8/11	8/11	8/11

Research-based Activities (4115 (a)(1)(C)):
Based on the research cited in Appendix D, check the box for each activity the LEA will implement as part of the comprehensive prevention program and provide all other requested information.

Check	Activities	Program ATODV Focus	Target Grade Levels
X	After School Programs	ATODV	K-12
X	Conflict Mediation/Resolution	V	6-8
	Early Intervention and Counseling		
	Environmental Strategies		
	Family and Community Collaboration		
	Media Literacy and Advocacy		
X	Mentoring	ATODV	3-8
	Peer-Helping and Peer Leaders		
	Positive Alternatives		
	School Policies		
X	Service-Learning/Community Service	ATODV	K-8
	Student Assistance Programs		
X	Tobacco-Use Cessation	T	6-8

Check	Activities	Program ATODV Focus	Target Grade Levels
	Youth Development Caring Schools Caring Classrooms		
	Other Activities		

Analysis of Data for Selection of Programs and Activities (4115 (a)(1)(D)):

County CHKS data has shown an increase in substance use during the 7th-9th grade years. To assist in preventing the onset of substance use during this time, we have implemented Project ALERT. This is a highly cost effective program that has been proven successful for middle school youth in preventing alcohol, tobacco, and other drug use. The curriculum is not expensive compared to other science based programs and is easy to implement. Additionally, the curriculum contains lessons developed for delivery by high school aged students to the middle grades. In Lassen County, a high school teen health coalition coordinated by Lassen County Public Health Tobacco Education Program is trained and delivers Project ALERT lessons to students as an adjunct to regular classroom implementation.

Based on CHKS data showing that 46% of Lassen County 5th graders are left without adult supervision after school, county schools have implemented structured after-school programs at most county K-8 schools. Daily activities include a nutritious snack, tutoring, physical fitness, and other activities. The Second Step violence prevention curriculum is also administered in the after-school programs to enhance the regular classroom programs.

Research shows that youth with increased developmental assets and caring adults and role models in their lives achieve better academic and social outcomes. Based on CHKS resiliency data, all county schools participate in referring students and families to a countywide mentoring program. Schools also allow trained volunteer adults and high school aged students to mentor younger children during the after-school program at the school site. This allows for more one-on-one tutoring and asset buildings for students with the greatest needs.

According to the CHKS, 12% of 7th graders regularly smoke cigarettes. Cigarette smoking often becomes long-term addiction and is a leading cause of morbidity and mortality.

Evaluation and Continuous Improvement (4115 (a)(2)(A)):

Provide a description for how the LEA will conduct regular evaluations of the effectiveness of the LEA's alcohol, tobacco, other drug use and violence prevention program. Describe how the results of the evaluation will be used to refine, improve and strengthen the program.

Long Valley Charter School will work to ensure the implementation of effective science based curriculum with fidelity and to remain abreast of new research and trends. We will administer the California Healthy Kids Survey to all 5th and 7th grade students biennially and utilize the data to make appropriate program modifications or changes. We will conduct the CHKS to ensure that valid countywide data for alcohol, tobacco, drug, and violence is obtained so we may compare our school to the county, state, and national data. The County Coordinator will also review the countywide data on a long-term basis and analyze trends. Additionally, we will conduct informal teacher surveys to determine teacher satisfaction and compliance with the curriculum administration.

Use of Results and Public Reporting (4115 (a)(2)(B)):

Describe the steps and timeline the LEA will use to publicly report progress toward attaining performance measures for the SDFSC and TUPE programs. Describe how the evaluation results will be made available to the public including how the public will be provided notice of the evaluation result's availability.

The CHKS will be the primary instrument to measure progress in attaining TUPE goals. Within six months of the administration of the CHKS, we will present key findings during school board meetings (open to the public) and advise parents of results through a school newsletter.

Coordination of All Programs (4114 (d)(2)(A)):

Provide a detailed, but brief, explanation of how the LEA will coordinate alcohol, tobacco, other drug and violence prevention programs with other federal state and local prevention programs.

Long Valley Charter School works closely with the Lassen County Office of Education to provide a collaborative countywide approach.

Long Valley Charter School will refer students to other local prevention programs, both on and off campus, Lassen County Mentoring Program the Local CYS Program, and the Public Health Sibling Program which serves to prevent teenage pregnancy among siblings of teen parents. Additionally, the school will provide in kind programs and/or meeting space, upon request, to facilitate these prevention activities on campus too reach the greatest number of students.

Long Valley Charter School will participate in the countywide Health Partnership coalition. This is a collaborative group of county agencies, schools, law enforcement, medical providers, social services, community benefit organizations, parents, youth, businesses, and the faith community. The mission of the Health Partnership is to provide a collaborative approach to preventing youth substance abuse and juvenile crime.

Parent Involvement (4115 (a)(1)(e)):

Provide a brief, but detailed, description of the parent involvement and describe the parent notification procedures used to meet requirements under NCLB Title IV, Part A – SDFSC program.

Parent involvement will be solicited through several avenues. Each year, parents will receive information on committees or school activities in which they may choose to become involved, including Advisory Council, WASC committees, Booster Club, dates and times of all school board meetings, and in the after-school programs or school clubs. The District also publishes a monthly school newsletter sent home for parents to review and remain apprised of current activities on campus. Parents are also involved on campus by attending the annual Back to School night and Open House. For all mandated parent notifications, legal guidelines will be followed and implemented with diligence according to the mandate

Performance Goal 5: ***All students will graduate from high school.***

Planned Improvements: High School Graduation Rates, Dropouts, and AP

This section of the plan is intended to reflect the LEA's efforts to reduce the percentage of students dropping out of school, and therefore, increase the percentage of students who graduate from high school. Also include a description below of the LEA's efforts to ensure that all students have equal access to advanced placement (AP) opportunities.

Performance Indicator	Activities/Actions	Students Served	Timeline/ Person(s) Involved	Benchmarks/ Evaluation	Funding Source
5.1 (High School Graduates)	This page is for traditional high school programs only				
5.2 (Dropouts)	This page is for traditional high school programs only				
5.3 (Advanced Placement)	This page is for traditional high school programs only				

Additional Mandatory Title I Descriptions

Please include in the space below the following descriptions mandated by NCLB legislation. If the LEA has already included any of the descriptions, they do not need to be provided again here; please indicate the page number or section of the Plan where this information is included.

Describe the measure of poverty that will be used to determine which schools are eligible for Title I funding in accordance with Section 1113, "Eligible School Attendance Areas."	
	Description of how the LEA is meeting or plans to meet this requirement:
Identify one of the following options as the low-income measure to identify schools eligible for Title I funding: • Number of children in families receiving assistance under the CalWorks program; • Number of children eligible for Free/Reduced Price Lunch programs; • Number of children ages 5-17 in poverty counted by the most recent census data; • Number of children eligible to receive medical assistance under the Medicaid program; • Or a composite of the above.	Long Valley Charter School records the number of children eligible for Free/Reduced Price Lunch Programs.
Describe how the low-income measure described above is used to rank and select schools to receive Title I funds • All schools with a 75% or above poverty level are funded • All other schools are funded by poverty ranking district wide or by grade span.	NA

Additional Mandatory Title I Descriptions
(continued)

Please provide a general description of the nature of the programs to be conducted by the LEA's schools under Sections 1114, "Schoolwide Programs," and/or Section 1115, "Targeted Assistance Schools." Direct-funded charters and single school districts, if conducting a schoolwide program authorized under Section 1114, may attach a copy of the Schoolwide Plan or Single Plan for Student Achievement in lieu of this description. All ten of the required components must be addressed. (For more information on Schoolwide, please go to *http://www.cde.ca.gov/sp/sw/rt;* for Targeted Assistance go to *http://www.cde.ca.gov/sp/sw/rt/tasinfo.asp*).

	Description of how the LEA is meeting or plans to meet this requirement:
For schoolwide programs (SWP), describe how the LEA will help schools to bring together all resources to upgrade the entire educational program at the school and include assistance in activities such as: • A comprehensive needs assessment of the entire school in relation to state standards. Schoolwide reform strategies that provide opportunities for all children to meet state standards. • Effective methods and instructional strategies based on scientifically-based research. • Strategies that give primary consideration to extended learning time, extended school year, before and after school and summer programs. • Proven strategies that address the needs of historically under served students, low achieving students, and those at risk of not meeting state standards. • Instruction by highly qualified teachers and strategies to attract and keep such teachers. • High quality and ongoing professional development for teachers, principals, paraprofessionals, and if appropriate, pupil services personnel, parents and other staff. • Strategies to increase parental involvement. • Assistance to preschool children in transitioning from early	NA – not conducting a schoolwide program.

childhood programs to elementary school programs. • Timely and effective additional assistance to students who experience difficulty mastering state standards.	
For targeted assistance programs (TAS), describe how the LEA will help schools to identify participating students most at risk of failing to meet state standards and help those students to meet the State's challenging academic standards. The description should include activities such as: • Effective methods and instructional strategies based on scientifically-based research. • Strategies that give primary consideration to extended learning time, extended school year, before and after school and summer programs. • Strategies that minimize removing children from the regular classroom during regular school hours for instruction. • Instruction by highly qualified teachers. • Professional development opportunities for teachers, principals, and paraprofessionals, including if appropriate, pupil services personnel, parents, and other staff. • Strategies to increase parental involvement.	Will use SCANTRON and STAR testing to identify After school tutoring Small group instruction in the classroom One on one instruction in the classroom with peer tutoring Modified curriculum in the classroom Teachers are highly qualified Parent volunteers in the classroom

Additional Mandatory Title I Descriptions
(continued)

Please describe how teachers, in consultation with parents, administrators, and pupil services personnel in targeted assistance schools under Section 1115, "Targeted Assistance Schools," will identify the eligible children most in need of services under this part. **Please note that multiple, educationally related criteria must be used to identify students eligible for services**. Where applicable, provide a description of appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children in community day school programs, and homeless children.

	Description of how the LEA is meeting or plans to meet this requirement:
Describe who is involved and the criteria used to identify which students in a targeted assistance school will receive services. The criteria should: • Identify children who are failing or most at risk of failing to meet the state academic content standards. • Use multiple measures that include objective criteria such as state assessments, and subjective criteria such as teacher judgment, parent interviews and classroom grades. • Include solely teacher judgment, parent interviews and developmentally appropriate measures, if the district operates a preschool through grade 2 program with Title I funds.	Will use STAR, SCANTRON and classroom assessments. Will use parent interviews and teacher judgment
The description should include services to homeless children, such as the appointment of a district liaison, immediate enrollment, transportation, and remaining in school of origin.	The Lassen County Office of Education handles all Title I, N, and D students.
The description should include services to children in a local institution for neglected or delinquent children and youth or attending a community day program, if appropriate.	The Lassen County Office of Education handles all Title I, N, and D students.

Additional Mandatory Title I Descriptions
(continued)

Please describe the actions the LEA will take to assist in its low-achieving schools identified under Section 1116, "Academic Assessment and Local Educational Agency and School Improvement," as in need of improvement.

	Description of how the LEA is meeting or plans to meet this requirement:
If the LEA has a PI school(s), describe technical assistance activities the LEA will provide to help the PI school, such as the following: • Assistance in developing, revising, and implementing the school plan. • Analyzing data to identify and address problems in instruction, parental involvement, professional development and other areas. • Assistance in implementing proven and effective strategies that will address the problems that got the school identified as PI and will get the school out of PI. • Assistance in analyzing and revising the school budget so the school's resources are used effectively.	NA - Long Valley Charter School is not a low performing school as identified by the State of California.

Additional Mandatory Title I Descriptions
(continued)

Please describe the actions the LEA will take to implement public school choice with paid transportation and Supplemental Educational Services, consistent with the requirements of Section 1116, "Academic Assessment and Local Educational Agency and School Improvement."	
	Description of how the LEA is meeting or plans to meet this requirement:
Describe the process for parent notification of the school's identification as PI, including notification of the right for students to transfer to another school that is not PI with paid transportation, and the right to receive supplemental services.	NA – not a PI school.
Describe how the LEA will provide school choice and supplemental services to eligible children, including the selection of the children to receive services.	Long Valley Charter School will follow all NCLB guidelines for determining school of choice requirements. The school is not a Program Improvement School and does not need to offer school of choice at this time. Long Valley Charter School is a one school district.

Additional Mandatory Title I Descriptions
(continued)

Please describe the strategy the LEA will use to coordinate programs under Title I with programs under Title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents, and other staff, including LEA-level staff in accordance with Section 1118, "Parental Involvement," and Section 1119, "Qualifications for Teachers and Paraprofessionals."

	Description of how the LEA is meeting or plans to meet this requirement:
Describe the LEA's strategies for coordinating resources and efforts to help schools retain, recruit and increase the number of highly qualified teachers, principals, and other staff.	Long Valley Charter School is a single school. Therefore, we put all of our Title I money in the same funding source.
Describe the LEA's strategies for coordinating resources and efforts to prepare parents to be involved in the schools and in their children's education.	Long Valley Charter School is a single school. Therefore, we put all of our Title I money in the same funding source.

Additional Mandatory Title I Descriptions
(continued)

Coordination of Educational Services

In the space below, please describe how the LEA will coordinate and integrate educational services at the LEA or individual school level in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program. Include programs such as: Even Start; Head Start; Reading First; Early Reading First and other preschool programs (including plans for the transition of participants in such programs to local elementary school programs; services for children with limited English proficiency; children with disabilities; migratory children; neglected or delinquent youth; Native American (Indian) students served under Part A of Title VII; homeless children; and immigrant children.

	Description of how the LEA is meeting or plans to meet this requirement:
Describe how the LEA will coordinate and integrate educational services at the LEA or individual school level in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program, including programs such as: a. Even Start b. Head Start c. Reading First d. Early Reading First e. Other preschool programs f. Services for children that are migratory, neglected or delinquent, Native American (Title VII, Part A), homeless, immigrant, and limited-English proficient, and children with disabilities. Compare to programs listed on Page 11 of the LEA Plan to determine if all active programs have been addressed.	Long Valley Charter School belongs to the Lassen County preschool consortium of classes, which sets the entire county as a single district. This allows preschool students to go to any school they qualify for, and sign-up to enroll. The problem being isolated for these services is that transportation is no provided and that eliminates many parents from taking advantage of these services for their student.

Part III
Assurances and Attachments

Assurances

Signature Page

Appendix

Appendix A: LVCS ELL Plan

Appendix B: LVCS SARC

ASSURANCES

To assure the LEA's eligibility for funds included in this Plan, the Superintendent must provide an original signature below attesting to compliance with all of the following statements.

GENERAL ASSURANCES

1. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.

2. The LEA will comply with all applicable supplement not supplant and maintenance of effort requirements.

3. (a) The control of funds provided under each program and title to property acquired with program funds will be in a public agency, a non-profit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; (b) the public agency, non-profit private agency, institution or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing law.

4. The LEA will adopt and use proper methods of administering each such program, including – (a) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and (b) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.

5. The LEA will cooperate in carrying out any evaluation of each such program conducted by, or for, the State educational agency, the Secretary, or other Federal officials.

6. The LEA will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program.

7. The LEA will – (a) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and Secretary to perform their duties under each such program; and (b) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties.

8. The LEA has consulted with teachers, school administrators, parents, and others in the development of the local consolidated application/LEA Plan to the extent required under Federal law governing each program included in the consolidated application/LEA Plan.

9. Before the application was submitted, the LEA afforded a reasonable opportunity for public comment on the application and considered such comment.

9a. The LEA will provide the certification on constitutionally protected prayer that is required by section 9524.

10. The LEA will comply with the armed forces recruiter access provisions required by section 9528.

TITLE I, PART A

The LEA, hereby, assures that it will:

11. Participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994.

12. If the LEA receives more than $500,000 in Title I funds, it will allow 1% to carry out NCLB Section 1118, Parent Involvement, including promoting family literacy and parenting skills; 95% of the allocation will be distributed to schools.

13. Inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources.

14. Provide technical assistance and support to schoolwide programs.

15. Work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards.

16. Fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b).

17. Provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services.

18. Take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part.

19. In the case of an LEA that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act.

20. Work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119 and *California Education Code Section 64001.*

21. Comply with requirements regarding the qualifications of teachers and paraprofessionals and professional development.

22. Inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under Title IX.

23. Coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school.

24. Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.

25. Use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the baseline year described in section 1111(b)(2)(E)(ii).

26. Ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language or other mode of communication that the parents can understand.

27. Assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D) and *California Education Code Section 64001*.

28. Ensure that schools in school improvement status spend not less than ten percent of their Title I funds to provide professional development (in the area[s] of identification to teachers and principals) for each fiscal year.

29. Prepare and disseminate an annual LEA report card in accordance with section 1111(h)(2).

30. Where applicable, the applicant will comply with the comparability of services requirement under section 1120A(c). In the case of a local educational agency to which comparability applies, the applicant has established and implemented an agency-wide salary schedule; a policy to ensure equivalence among schools in teachers, administrators, and other staff; and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. Documentation will be on file to demonstrate that the salary schedule and local policies result in comparability and will be updated biennially.

TITLE I, PART D – SUBPART 2

31. Where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under Part B of the Individuals with Disabilities Education Act.

32. Work to ensure that the correctional facility is staffed with teachers and other qualified staffs that are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth.

33. Ensure that the educational programs in the correctional facility are related to assisting students to meet high academic achievement standards.

TITLE II, PART A

34. The LEA, hereby, assures that:

- The LEA will target funds to schools within the jurisdiction of the local educational agency that:
  (A) have the lowest proportion of highly qualified teachers;
  (B) have the largest average class size; or
  (C) are identified for school improvement under section 1116(b).

- The LEA will comply with section 9501 (regarding participation by private school children and teachers).

- The LEA has performed the required assessment of local needs for professional development and hiring, taking into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and pedagogy skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet California's academic content standards. This needs assessment was conducted with the involvement of teachers, including teachers participating in programs under Part A of Title I.

- The LEA will assure compliance with the requirements of professional development as defined in section 9101 (34).

TITLE II, PART D

35. The LEA has an updated, local, long-range, strategic, educational technology plan in place that includes the following:

- Strategies for using technology to improve academic achievement and teacher effectiveness.
- Goals aligned with challenging state standards for using advanced technology to improve student academic achievement.
- Steps the applicant will take to ensure that all students and teachers have increased access to technology and to help ensure that teachers are prepared to integrate technology effectively into curricula and instruction.
- Promotion of curricula and teaching strategies that integrate technology, are based on a review of relevant research, and lead to improvements in student academic achievement.
- Ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel to further the effective use of technology in the classroom or library media center.

- A description of the type and costs of technology to be acquired with Ed Tech funds, including provisions for interoperability of components.
- A description of how the applicant will coordinate activities funded through the Ed Tech program with technology-related activities supported with funds from other sources.
- A description of how the applicant will integrate technology into curricula and instruction, and a timeline for this integration.
- Innovative delivery strategies – a description of how the applicant will encourage the development and use of innovative strategies for the delivery of specialized or rigorous courses and curricula through the use of technology, including distance learning technologies, particularly in areas that would not otherwise have access to such courses or curricula due to geographical distances or insufficient resources.
- A description of how the applicant will use technology effectively to promote parental involvement and increase communication with parents.
- Collaboration with adult literacy service providers.
- Accountability measures – a description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under the program are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling student to reach challenging state academic standards.
- Supporting resources – a description of the supporting resources, such as services, software, other electronically delivered learning materials, and print resources that will be acquired to ensure successful and effective uses of technology.

36. The LEA must use a minimum of 25 percent of their funds to provide ongoing, sustained, and intensive high quality professional development in the integration of advanced technology into curricula and instruction and in using those technologies to create new learning environments.

37. **Any LEA <u>that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5))</u> hereby assures the SEA** that the LEA will not use any Title II, Part D funds to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school:
    - has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors; and
    - is enforcing the operation of such technology protection measure during any use of such computers by minors; and
    - has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene or child pornography, and is enforcing the operation of such technology protection measure during any use of such computers.
    - Any LEA that <u>does</u> receive such discount rates hereby assures the SEA that it will have in place a policy of Internet safety for minors required by Federal or State law.

TITLE III

38. The LEA assures that it consulted with teachers, researchers, school administrators, parents, and, if appropriate, with education-related community groups, nonprofit organizations, and institutions of higher education in developing the LEA Plan.

39. The LEA will hold elementary and secondary schools accountable for increasing English language proficiency and for LEP subgroups making adequate yearly progress.

40. The LEA is complying with Section 3302 prior to, and throughout, each school year.

41. The LEA annually will assess the English proficiency of all students with limited English proficiency participating in programs funded under this part.

42. The LEA has based its proposed plan on scientifically based research on teaching limited-English-proficient students.

43. The LEA ensures that the programs will enable to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards.

44. The LEA is not in violation of any State law, including State constitutional law, regarding the education of limited-English-proficient students, consistent with Sections 3126 and 3127.

TITLE IV, PART A

45. The LEA assures that it has developed its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

46. The activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement.

47. The LEA assures that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds.

48. Drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful.

49. The LEA has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes:

    - Appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students.

- Security procedures at school and while students are on the way to and from school.
- Prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments.
- A crisis management plan for responding to violent or traumatic incidents on school grounds.
- A code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
    - Allows a teacher to communicate effectively with all students in the class.
    - Allows all students in the class to learn.
    - Has consequences that are fair, and developmentally appropriate.
    - Considers the student and the circumstances of the situation.
    - Is enforced accordingly.

50. The application and any waiver request under section 4115(a)(3) (to allow innovative activities or programs that demonstrate substantial likelihood of success) will be available for public review after submission of the application.

TITLE IV, PART A, SUBPART 3

51. The LEA assures that it has, in effect, a written policy providing for the suspension from school for a period of not less than one year of any student who is determined to have brought a firearm to school or who possesses a firearm at school and the referral of a student who has brought a weapon or firearm to the criminal or juvenile justice system. Such a policy may allow the Superintendent to modify such suspension requirement for a student on a case-by-case basis.

TITLE V, PART A

52. The LEA has provided, in the allocation of funds for the assistance authorized by this part and in the planning, design, and implementation of such innovative assistance programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the LEA, with teachers and administrative personnel in such schools, and with such other groups involved in the implementation of this part (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the LEA.

53. The LEA will comply with this Part, including the provisions of section 5142 concerning the participation of children enrolled in private nonprofit schools.

54. The LEA will keep such records, and provide such information to the SEA, as may be reasonably required for fiscal audit and program evaluation.

55. The LEA will annually evaluate the programs carried out under this Part, and that evaluation:

    - will be used to make decisions about appropriate changes in programs for the subsequent year;

- will describe how assistance under this part affected student academic achievement and will include, at a minimum, information and data on the use of funds, the types of services furnished, and the students served under this part; and

- will be submitted to the SEA at the time and in the manner requested by the SEA.

New LEAP Assurances

56. Uniform Management Information and Reporting System: the LEA assures that it will provide to the California Department of Education (CDE) information for the uniform management information and reporting system required by No Child Left Behind, Title IV in the format prescribed by CDE. That information will include:

    (i) truancy rates;
    (ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;
    (iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and
    (iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities. (Section 4112, General Provisions, Title IV, Part A. PL 107-110)

57. Unsafe School Choice Policy: the LEA assures that it will establish and implement a policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school. The LEA will submit on a format to be designated by CDE the information the state requires to complete annual federal reporting requirements on the number of schools that have been designated "persistently dangerous" in accordance with California State Board of Education policy. (Section 9532, General Provisions, Title IX, PL 107-110.)

Other

58. The LEA assures that a minimum of 95% of all students and a minimum number of students in each subgroup (at both the school and district levels) will participate in the state's assessments program.

SIGNATURE PAGE

Michael Yancey

_____

Print Name of Superintendent

_____

Signature of Superintendent

_____

Date

APPENDIX A

ELL PLAN

APPENDIX B

SARC

Appendix E

LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

FEBRUARY 24, 2012

VIA: E-MAIL

PAUL C. MINNEY
JAMES E. YOUNG
MICHAEL S. MIDDLETON
LISA A. CORR
SUZANNE A. TOLLEFSON*
JERRY W. SIMMONS

CHASTIN H. PIERMAN
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KIMBERLY RODRIGUEZ
ANDREA C. SEXTON
SARAH J. KOLLMAN
JANELLE A. RULEY
ANDREW G. MINNEY
MICHAEL E. HERSHER
MICHELLE A. RUSKOFSKY
SARAH K. BANCROFT
*ALSO ADMITTED IN NEVADA

Cindy Henry, Educational Director
Long Valley Charter School
PO Box 7
Doyle, CA 96109-0007

Re: Attendance at Brown Act and Conflicts of Interest Workshop

Dear Ms. Henry:

This letter is to confirm that the below noted individuals attended our Brown Act and Conflicts of Interest training on Friday, February 17, 2011:

Participants

Jane Von Tour
Julie Wells
Katie Campbell
Bill Harkness
Ricky Gotcher

Thank you for your interest in our workshop, we look forward to seeing you at other workshops in the future.

Sincerely,
LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

Lisa Corr

LISA A. CORR
ATTORNEY AT LAW

MAIN OFFICE: 701 UNIVERSITY AVENUE, SUITE 150 • SACRAMENTO, CA 95825 • T 916.646.1400 • F 916.646.1300
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Long Valley Charter School Governance Workshop

February 17, 2012

Presented by:

Lisa A. Corr, Esq.
Middleton, Young & Minney, LLP
701 University Ave., Suite 150
Sacramento, CA 95825
(916) 646-1400
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1

Schedule

1. Brown Act
2. Conflicts of Interest

2

UNDERSTANDING THE BROWN ACT

3

The Brown Act

What is the purpose of the Act?

- Democracy Principle
- Limited Confidentiality
- Holding meetings in public – not public meetings.

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4

The Brown Act (Cont.)

What is a meeting?

- Broad definition:
  - majority of members
  - Hear, discuss, deliberate on any item
  - Within subject matter jurisdiction of CS
- Exceptions to definition:
  - Individual contacts
  - Conferences and retreats
  - Bd. member to Bd. member
  - Social or ceremonial occasions
- Application to subsidiary bodies (e.g., standing committees/advisory committees)

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Serial meetings

- Serial meetings prohibited
- Serial meeting defined:
  - Majority of Board members
  - Engaging in series of communications
  - Outside board meeting
  - Through direct communications or intermediaries or technology
  - To discuss, deliberate, or take action on any item of business (including relaying comments or position of other board members)
- Examples (hub/email)
- Does not prohibit unilateral communications

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The Brown Act (Cont.)

What are the notice & agenda requirements?

- Agenda: A brief description (approx. 20 words) of each matter to be discussed.
- Posted in site accessible to public 24/7 and on website
- Regular meetings – 72 hours notice
- Special meetings – 24 hours notice
- Emergency meetings (rare – 1 hours notice)
- Cannot discuss non-agenda items – exceptions rarely applied.
- Closed session agenda requirements (safe harbor/announcements)

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Telephonic Requirements

- Board members are allowed to participate via telephone if the following requirements are followed:
  - Quorum participates in boundary of school
  - All votes taken by roll call
  - Agenda posted in all locations listing all locations
  - All locations must be fully accessible
  - Full duplexing in each location so that everyone can participate.

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The Brown Act (cont.)

What are the public's rights?

- Public testimony
- Taping or broadcasting
- Conditions of attendance
- Copy of agenda/support materials
- Non-discriminatory facilities
- Request for agenda items

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Quick Word on Minutes

- Open Session Only
- Does Not Need to be Word by Word Transcription

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The Brown Act (cont.)

What are the permissible closed sessions?

1. Personnel (appointment, employment, evaluation, discipline, dismissal)
   -- exception complaints/charges –
2. Pending/anticipated litigation
3. Real estate negotiations
4. Labor negotiations

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The Brown Act (cont.)

What are the permissible closed sessions? (cont.)

5. Public security exception
6. Confidential Pupil Information

**Note: each closed session must have oral announcement/public comment; then announce out action taken in closed session.
** No semi-closed meetings.

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The Brown Act (cont.)

What are the penalties & remedies for violating the Act?

- Confidentiality requirement
- Criminal penalties
- Civil remedies (injunction/voiding acts taken); atty's fees.
- Notice & demand for cure

** Take our Brown Act quiz online at www.mymcharterlaw.com/resources.html

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UNDERSTANDING CONFLICT OF INTEREST LAWS

14

What is a Conflict?

Broad Definition:

A *conflict of interest* arises when an individual who has a private interest in the outcome of a contract or a public decision, **participates** in the decision-making process or **influences** or **attempts to influence others** making the contract or decision.

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California Conflicts of Interest Statutes and Laws Impacting Charter Schools

- Political Reform Act (PRA) (Government Code Section 87100 *et seq.*
- Government Code Section 1090 **Debatable whether applicable to charter schools*
- Corporations Code 5233 (self-dealing transactions), Duty of Loyalty, Duty of Care
- Common Law Prohibitions

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Political Reform Act

Political Reform Act (Gov. Code §87100, et seq.) established in 1974.

"Public officials should perform their duties in an impartial manner, free from bias caused by their own financial interests..."

The Fair Political Practices Commission (FPPC) enforces compliance with the Political Reform Act

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General Compliance Under the PRA

- Identify and avoid participating in/making decisions where there is a conflict of interest
- Adopt and have approved a PRA compliant Conflict of Interest Code
- Public officials file Statements of Economic Interests (Form 700)

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Identifying and Avoiding Conflicts of Interest

Does the decision involve:

1. A public official (board members, officers and key employees)?
2. Making or participating in making a governmental decision?
3. Does the public official have a qualifying financial interest?
4. Is the financial interest directly/indirectly involved in governmental decision?

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Identifying Conflicts of Interest (cont.)

If the answer is "yes" to all questions, under the PRA he/she must:

(1) Disclose the conflict on the record
(2) Leave room during discussion and vote and comply with anti-self dealing provisions in bylaws
(3) Abstain from voting*

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A Note Regarding Avoiding Conflicts:

Every local government official and employee must refrain from making or participating in making a government decision that has a reasonably foreseeable material effect on his/her personal financial interests, regardless of whether the individual is required to file a Form 700.

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Conflict of Interest Code

The Political Reform Act requires all local government agencies to adopt a conflict of interest code.

The FPPC has determined that charter schools are local government agencies.

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Most Counties...

- Typically, a charter school adopts its own conflict of interest code
- Code is approved by the appropriate "code-reviewing body" (County Board of Supervisors or FPPC)
- Form 700s are filed either with the code-reviewing body or at the charter school site

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Conflict of Interest Code

3 Required Components of a Code:

- Body of the Code (FPPC suggests incorporating the language of 2 CCR §18730 as the text of your code)
- Exhibit A: Include a list of positions (by title) that must file a Form 700
- Exhibit B: The financial disclosures required of each position listed

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Form 700 – The Law

All officers, board members, and employees who are in a position which entails the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest must file a Statement of Economic Interests
(Gov. Code § 87302)

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Form 700: Common Non-Reportable Interests

You do not have to report:

- Diversified mutual funds registered with the SEC and certain retirement accounts invested in insurance policies or governmental bonds (ex: most 401K, 403b accounts)
- Savings and checking accounts
- A residence used exclusively as a personal residence (such as a home or vacation house)
- Government salary (including from a charter school)
- Gifts from family members
- Travel paid by your local government agency (charter school)

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Form 700: What Information Must Be Disclosed?

Reportable Interests for Most Charter Schools:

- Category 1: Real property within District's jurisdiction, or not more than 2 miles outside of the District boundaries.
- Category 2: All investments and business positions (ex: stocks, bonds, business interests)
- Category 3: All income and business positions (ex: Non-government salaries of reporter and spouse/registered domestic partner)

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Statement of Economic Interest (Form 700)

- Form 700s must be submitted with original signatures – faxes/emails not acceptable
- Document signed under penalty of perjury
- Becomes a public document once filed, and must be made available to the public upon request

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When are Form 700 statements filed?

- Filed upon assuming office or position (within 30 days)
- Once annually (by April 1st)
- Upon leaving the office or position (within 30 days)

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Form 700 Disclosure Period

Annual Statement:

Your annual statement is used for reporting the previous calendar year's economic interests.

Example: Statement filed April 1, 2012 will include information for 2011 (January1st - December 31st)

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Penalties for Failing to File Form 700

1) Criminal charges by the Attorney General or District Attorney for deliberate failure to file.
2) Civil action by FPPC or a private citizen.

If you receive an enforcement letter from the FPPC contact legal counsel immediately!

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Elements of Government Code Section 1090
***Debatable whether applicable to charter schools**

- Public Official
- Public Contract, Sale or Purchase
- Financial Interest – remote interest exception
- Absolute prohibition

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Difference Between the Political Reform Act and Government Code Section 1090

- Political Reform Act: Disclosure and recusal avoids a violation. (Assuming the Board of Directors still consists of a quorum, it may then proceed to take action).
- Government Code Section 1090: Disclosure and recusal does NOT avoid a violation; would effectively prohibit paid employees from serving on board.

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Corporations Code Provision on Self-Dealing

- For Directors only (all others comply with Conflict of Interest policy).
- Higher standard for approval – will satisfy PRA.
- CS Director shall not have material financial interest in any contract or transaction, unless:
  - Fully disclosed/noted in minutes;
  - Transaction approved by directors without interested directors involvement (should leave room);
  - CS could not obtain a better agreement with reasonable effort;
  - The transaction is for the CS and is fair and reasonable at the time (all findings should be in resolution).
- Duty of Care and Duty of Loyalty

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2 Types of Common Law Prohibitions

1. Common Law Doctrine of Incompatible Offices
   - Public official – not employee
   - Holding two public offices simultaneously
   - That are incompatible with each other (creating divided loyalties); overlapping jurisdictions

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2 Types of Common Law Prohibitions (cont.)

2. Common Law Doctrine – Appearance of Impropriety
   - Public Official
   - Engaging in Transaction
   - Creating an Appearance of Impropriety

For example, Board member voting on expulsion of child.

MYM

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What are the Penalties & Remedies for Violating the California Conflicts of Interest Statutes?

- Political Reform Act (Government Code Section 87100 *et seq.*:
  1) Administrative Sanctions (e.g., fines per violation, cease and desist orders, orders to file reports);
  2) Civil Penalties (e.g., injunctions, damages and attorney's fees).
  3) Criminal charges
- District could use alleged violations to attempt to revoke the School.

MYM

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What are the Penalties & Remedies for Violating the California Conflicts of Interest Statutes? (cont.)

- Government Code Section 1090:
  1) Criminal penalties (e.g., fine of up to $1,000 or imprisonment in state prison);
  2) Permanent disqualification from holding any office in California; and
  3) Additionally, any contract made in violation of Government Code Section 1090 is void.

MYM

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QUESTIONS AND RESPONSES

MYM

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Appendix F

CSMC Charter Vision®

Year to Date Actual To Budget Detail

Long Valley Charter

For the period beginning in January of 2012 and ending January of 2012. For segment2: -ALL- and segment3: -ALL-

SACS Code	Account Description	Actual Jan-12	Budget Jan-12	Actual YTD	Budget YTD	Variance $	Variance %	Total Budget	Budget Remaining
8015	Charter Schools General Purpose Entitlement -	$281,470	$218,369	$860,047	$724,744	$135,303	18.7%	$2,426,328	$1,566,281
8019	Prior Year Income/Adjustments			$9,852	$9,852	-	0.0%	$9,852	-
8096	Charter Schools Funding In-Lieu of Property Taxes	$36,377	$22,281	$158,852	$139,257	$19,595	14.1%	$278,514	$119,662
	Total Revenue Limit	$317,847	$240,651	$1,028,751	$873,853	$154,898	17.7%	$2,714,694	$1,685,943
8220	Federal Child Nutrition Programs	$2,424	$4,705	$7,706	$18,822	($11,116)	-59.1%	$42,349	$34,643
8290	All Other Federal Revenue			-	-	-	0.0%	$64,019	$64,019
8291	Title I Federal Revenue			-	$31,856	($31,856)	-100.0%	$79,640	$79,640
	Total Federal Revenues	$2,424	$4,705	$7,706	$50,678	($42,972)	-84.8%	$186,008	$178,302
8434	Class Size Reduction (K-3)		$25,972	$13,388	$25,972	($12,584)	-48.5%	$103,887	$90,499
8480	Charter School Categorical Block Grant	$25,342	$20,727	$77,435	$68,790	$8,645	12.6%	$230,300	$152,865
8520	State Child Nutrition Program			$481	-	$481	100.0%	-	($481)
8560	State Lottery Revenue	$59,242		$59,242	$29,705	$29,537	99.4%	$59,410	$168
8591	SB 740			-	$20,250	($20,250)	-100.0%	$40,500	$40,500
8599	Prior Year State Income			$3,368	-	$3,368	100.0%	-	($3,368)
	Total Other State Revenue	$84,584	$46,699	$153,914	$144,717	$9,197	6.4%	$434,097	$280,182
8660	Interest Income	$15		$52	-	$52	100.0%	-	($52)
8980	Student Lunch Revenue	$656	$1,100	$5,563	$5,500	$63	1.1%	$11,000	$5,437
8983	All Other Local Revenue	$48		$48	-	$48	100.0%	-	($48)
8985	School Site Fundraising	$7	$300	$1,552	$1,500	$52	3.5%	$3,000	$1,448
8999	Revenue Suspense			-	-	-	0.0%	-	-
	Total Local Revenue	$726	$1,400	$7,216	$7,000	$216	3.1%	$14,000	$6,784
	Total Revenues	$405,581	$293,455	$1,197,587	$1,076,248	$121,339	11.3%	$3,348,798	$2,151,211
1100	Teachers' Salaries	$116,669	$112,328	$711,629	$673,968	($37,660)	-5.6%	$1,235,608	$523,980
1120	Substitute Expense	$3,936	$368	$23,753	$2,209	($21,544)	-975.2%	$4,050	($19,703)
1300	Certificated Supervisor and Administrator Salaries		$7,512	-	$52,581	$52,581	100.0%	$90,500	$90,500
	Total Certificated Salaries	$120,605	$120,208	$735,382	$728,758	($6,624)	-0.9%	$1,330,158	$594,777
2100	Instructional Aide Salaries	$7,567	$8,112	$41,303	$48,674	$7,371	15.1%	$89,236	$47,933
2200	Classified Support Salaries (Maintenance, Food)	$3,532	$3,445	$20,411	$20,670	$259	1.3%	$37,894	$17,483
2400	Clerical, Technical, and Office Staff Salaries	$8,603	$6,287	$56,642	$37,721	($18,921)	-50.2%	$69,154	$12,512
	Total Classified Salaries	$19,702	$17,844	$118,355	$107,064	($11,291)	-10.5%	$196,284	$77,929
3101	State Teachers' Retirement System, certificated	$10,851	$9,629	$60,149	$57,776	($2,374)	-4.1%	$105,922	$45,773
3301	OASDI/Medicare/Alternative, certificated positions		$3,379	-	$20,275	$20,275	100.0%	$37,171	$37,171
3302	OASDI/Medicare/Alternative, classified positions			$387	-	($387)	-100.0%	-	($387)
3313	OASDI	$1,398	$3,730	$8,364	$20,144	$11,780	58.5%	$37,303	$28,939
3323	Medicare	$1,902		$11,395	-	($11,395)	-100.0%	-	($11,395)
3403	Health & Welfare Benefits	$13,327	$20,318	$87,952	$121,906	$33,953	27.9%	$223,494	$135,542
3501	State Unemployment Insurance			$4,677	-	($4,677)	-100.0%	-	($4,677)
3503	State Unemployment Insurance	$129	$3,123	$13,415	$18,738	$5,323	28.4%	$34,353	$20,937
3603	Worker Compensation Insurance	$8,371		$8,371	-	($8,371)	-100.0%	-	($8,371)
	Total Employee Benefits	$35,978	$40,179	$194,711	$238,838	$44,126	18.5%	$438,242	$243,531
	Total Personnel Expenses	$176,285	$178,231	$1,048,448	$1,074,660	$26,211	2.4%	$1,964,685	$916,237
4100	Approved Textbooks and Core Curricula Materials	$39,034	$19,000	$82,864	$66,500	($16,364)	-24.6%	$95,000	$12,136
4200	Books and Other Reference Materials	$257	$5,250	$25,904	$36,750	$10,846	29.5%	$52,500	$26,596
4300	Materials and Supplies	$1,354	$6,000	$8,301	$20,000	$11,699	58.5%	$20,000	$11,699
4305	Postage			-	-	-	0.0%	-	-
4315	Classroom Materials and Supplies	$2,312	$6,625	$24,237	$46,375	$22,138	47.7%	$66,250	$42,013
4400	Noncapitalized Equipment	($1,445)	$1,675	$29,945	$25,125	($4,820)	-19.2%	$33,500	$3,555

4410	Computer Hardware	$1,445		-	-	-	0.0%		-
4430	Noncapitalized Student Equipment	($188)		-	-	-	0.0%		-
4440	Student Events	($835)		-	-	-	0.0%		-
4700	Food and Food Supplies	($19,330)	$4,000	$26,906	$20,000	($6,906)	-34.5%	$40,000	$13,094
4701	Non School District Food	$2,398		-	-	-	0.0%	-	
	Total Books and Supplies	$25,003	$42,550	$198,156	$214,750	$16,594	7.7%	$307,250	$109,094
5200	Travel and Conferences	$249	$1,000	$3,502	$3,000	($502)	-16.7%	$10,000	$6,498
5210	Training and Development Expense		$100	$500	$700	$200	28.6%	$1,000	$500
5300	Dues and Memberships		$700	$5,087	$4,900	($187)	-3.8%	$7,000	$1,913
5400	Insurance	$7,250	$8,175	$72,504	$68,125	($4,379)	-6.4%	$109,000	$36,496
5500	Operation and Housekeeping Services	$756	$5,030	$20,671	$25,150	$4,479	17.8%	$50,300	$29,629
5501	Utilities	$8,632	$4,050	$33,740	$24,750	($8,990)	-36.3%	$45,000	$11,260
5505	Student Transportation/Field Trips	$7,782	$3,443	$18,905	$17,215	($1,690)	-9.8%	$34,430	$15,525
5506	Transportation Repair			$327	-	($327)	-100.0%	-	($327)
5510	Security Services	$512		-	-	-	0.0%	-	-
5600	Space Rental/Leases Expense	$1,440	$4,500	$34,040	$31,500	($2,540)	-8.1%	$54,000	$19,960
5601	Building Maintenance			$311	-	($311)	-100.0%	-	($311)
5602	Other Space Rental	$435		$435	-	($435)	-100.0%	-	($435)
5605	Equipment Rental/Lease Expense	$4,126	$4,833	$29,549	$33,833	$4,284	12.7%	$58,000	$28,451
5610	Equipment Repair			$110	-	($110)	-100.0%	-	($110)
5800	Professional/Consulting Services and Operating	$13,550	$8,055	$61,716	$49,225	($12,491)	-25.4%	$89,500	$27,784
5803	Banking and Payroll Service Fees	$472	$708	$3,906	$4,958	$1,052	21.2%	$8,500	$4,594
5805	Legal Services and Audit	$4,739	$4,980	$49,322	$58,100	$8,778	15.1%	$83,000	$33,678
5810	Educational Consultants	$6,207	$5,850	$31,909	$35,750	$3,841	10.7%	$65,000	$33,091
5815	Advertising/Recruiting	$824	$180	$1,620	$1,100	($520)	-47.2%	$2,000	$380
5820	Fundraising Expense	$556	$270	$1,635	$1,650	$15	0.9%	$3,000	$1,365
5890	Interest Expense/Fees	$98		$3,924	-	($3,924)	-100.0%	-	($3,924)
5891	Charter School Capital Fees	$7,353		$58,218	$50,865	($7,353)	-14.5%	$75,000	$16,782
5900	Communications (Tele., Internet,	$1,032	$3,937	$21,920	$41,314	$19,394	46.9%	$61,000	$39,080
	Total Services and Other Operating Expenses	$66,012	$55,812	$453,853	$452,135	($1,717)	-0.4%	$755,730	$301,877
	Total Capital Outlay	-	-	-	-	-	0.0%	-	-
7438	Debt Service - Interest	$1,546		$11,023	-	($11,023)	-100.0%	-	($11,023)
7500	District Oversight Fee	$19,072	$19,071	$19,072	$19,071	($1)	0.0%	$24,263	$5,191
	Total Other Outgo	$20,618	$19,071	$30,095	$19,071	($11,024)	-57.8%	$24,263	($5,832)
	Total Operational Expenses	$111,633	$117,433	$682,104	$685,956	$3,852	0.6%	$1,087,243	$405,139
	Total Expenses	$287,918	$295,664	$1,730,553	$1,760,616	$30,063	1.7%	$3,051,928	$1,321,375
	Net Income	$117,663	($2,209)	($532,966)	($684,368)	$151,402	22.1%	$296,870	$829,835

CSMC

Charter Vision®
Balance Sheet Detail

Long Valley Charter
For the period ending January of 2012. For segment2: -ALL- and segment3: -ALL-

Group Description	Account	Account Description	
Liquidity Ratio			0.8
Assets			
Current Assets			
Cash	9120-010	Cash in Bank(s)	$77,444
Cash	9125-020	Cash in County Treasury Account	$202
Accounts Receivables	9200-020	Accounts Receivables	$139,604
Prepaid Expenses	9330-020	Prepaid Expenses	$1,165
Other Current Assets	9335-020	Employee Advances	($0)
Total Current Assets			*$218,414*
Fixed Assets			
Land	9410-020	Land	$276,247
Buildings and Improvements	9420-020	Building Improvements	$66,430
Furniture and Fixtures	9440-020	Furniture & Fixtures	$42,697
Accumulated Depreciation	9425-020	Accumulated Depreciation - Building	($11,601)
Accumulated Depreciation	9445-020	Accumulated Depreciation - Furniture & Fixtures	($29,738)
Total Fixed Assets			*$344,035*
Other Assets			
Total Other Assets			-
Total Assets			*$562,449*
Liabilities And Net Assets			
Current Liabilities			
Accounts Payable	9500-010	Accounts Payable-System	$226,998
Accrued Salaries, Payroll Taxes, Postemployment Benefits	9336-020	STRS Deductions	$324
Accrued Salaries, Payroll Taxes, Postemployment Benefits	9501-020	Accrued Salaries	$13,967
Accrued Salaries, Payroll Taxes, Postemployment Benefits	9503-020	Accrued STRS	$25,816
Deposits held on behalf of other employees	9660-020	Voluntary Deductions	$15
Total Current Liabilities			*$267,120*
Long Term Liabilities			
Loans Payable	9640-020	Loans Payable CSC	$380,700
Loans Payable	9641-020	Loans Payable CDE	$17,095
Secured Loans Payable	9669-020	Secured Debt Outstanding Allied Installment	$245,755
Total Long Term Liabilities			*$643,550*
Total Liabilities			*$910,670*
Net Assets			
Unrestricted Net Assets	9790-020	Undesignated Fund Balance	$184,745
Profit/Loss YTD			($532,966)
Total Net Assets			*($348,221)*
Total Liabilities And Net Assets			*$562,449*

Long Valley Charter
Budget Summary
2011/12 School Year

SACS Code	Description		Long Valley Budget Summary
Revenue			
	State		2,870,276.12
	Federal		190,713.00
	Local		292,514.08
Total Revenue		**$**	**3,353,503.20**
Expenses			
1000	Certificated Salaries		1,330,158.21
2000	Classified Salaries		196,284.29
3000	Benefits		400,939.47
4000	Books and Supplies		307,250.00
5000	Services and Other Operating Expenses		755,730.00
6000	Capital Outlay		
7000	Other Outgoing		24,263.28
Total Expenses		**$**	**3,014,625.25**
Surplus / (Deficit)		**$**	**338,877.95**

Revenue Input

Long Valley Charter
Revenue
2011/12 School Year

SACS		Long Valley Annual Revenue	Revenue Rate Assumption
State			Revenue assumption s
8015	General Purpose, grades K-3; state aid portion	439,410	5,116
8015	General Purpose, grades 4-6; state aid portion	335,981	5,191
8015	General Purpose, grades 7-8; state aid portion	343,600	5,345
8015	General Purpose, grades 9-12; state aid portion	1,307,337	6,194
8019	Prior Year Income / Adjustments	9,852	
8181	Special Education		
8434	Class Size Reduction, K-3	103,887	1,071
8480	Categorical Block Grant	191,063	402
8480	Economic Impact	39,237	319
8560	Lottery	59,410	125
8520	State Child Nutrition program		
8591	SB 740 Rent re-imbursement program	40,500	
8592	Art and Music Block grant		
8590	New School Block Grant Supplement	-	-
8590	Other State funding program		
State Revenue	**Subtotal**	**$ 2,870,276.12**	

Federal			
8220	Federal Child Nutrition Programs	47,054	
8290	All Other Federal Revenue, inc Facilities Incentiv	64,019	
8291	Title I	79,640	440
8292	Title II		
8293	Title III		

Revenue Input

8294	Title IV		
8295	Title V		
8296	Title V, B: PCSGP grant		
Federal Revenue	**Subtotal**	**$ 190,713.00**	

Local

8096	In-Lieu of Property Taxes, K-3	56,842.00	586.00
8096	In-Lieu of Property Taxes, 4-6	42,754.56	586.00
8096	In-Lieu of Property Taxes, 7-8	42,309.20	586.00
8096	In-Lieu of Property Taxes, 9-12	136,608.32	586.00
8660	Interest		
8782	All Other Transfers from County Offices		
8784	All Other Transfers from Other Locations		
8785	CMO Management fee		
8792	Transfers of Apportionments from County Offices		
8980	Student Lunch Revenue	11,000	
8981	Unrestricted Contributions		
8982	Foundation Grants		
8983	Miscellaneous		
8984	Student Body (ASB) Fundraising Revenue		
8985	School Site Fundraising	3,000	
Local Revenue	**Subtotal**	**$ 292,514.08**	

Total Revenue	**$ 3,353,503.20**

Long Valley Charte
Revenue
2011/12 School Year

SACS

State

ource: CSDC July 2011

8015	per ADA
8015	per ADA
8015	per ADA
8015	per ADA
8019	
8181	if applicable
8434	per K-3 student in 20:1 or less classroom
8480	per ADA
8480	per eligible (ELL and poverty) student-equivalent
8560	prior year ADA
8520	
8591	Generally, if >70% free/reduced priced lunch students
8592	if applicable
8590	if applicable
8590	if applicable

State Revenue

Federal

8220	if applicable
8290	based on nonprofit status, high free/reduced counts
8291	per Free/Reduced price lunch enrollment
8292	if applicable
8293	if applicable

Revenue Input

8294	if applicable
8295	if applicable
8296	if applicable, this year's amount

Federal Revenue

Local

8096	local district funding rate, per ADA
8096	local district funding rate, per ADA
8096	local district funding rate, per ADA
8096	local district funding rate, per ADA
8660	if applicable
8782	if applicable
8784	if applicable
8785	if applicable
8792	if applicable
8980	if applicable
8981	if applicable
8982	if applicable
8983	if applicable
8984	if applicable
8985	if applicable

Local Revenue

Total Revenue

Long Valley Charter
Employee Inputs
Long Valley

Instructions: This tab is for Site 1 (or department) employees. These employee input tabs are designed to model out 'typical' employee compensation. Unusual compensation programs may require modification to the structure or formulas. Usually, you should only have to modify the red input items and copy down the black formulas from row 7 to match how many employees you have. The SACS code per employee in column B is essential. Please do not add or erase whole rows - the below can handle 50 employees. Summary information is shown in rows 58 through 60. Feel free to erase this text box for cleaner

8.25% = STRS empl 10.92% = PERS empl 7.65% = OASDI and 1.45% = Medicare er

SACS	Full Name	Title	Departme	FTE	Salary Rate	Total Salary	Bonus and Stipends	Overtime	Total Direct Compensation	Retirement System for Employee	3101 STRS, certificated	3102 STRS, classif	3201 PERS, certifi	3202 PERS, classif	3301 OASDI, certi	3302 OASDI, class
1100	Azevedo			1.00	45,624.26	45,624.26			45,624.26	STRS	3,764.00					661.55
1100	Berry			1.00	66,237.05	66,237.05			66,237.05	STRS	5,464.56					960.44
1100	Berlotti			1.00	55,937.09	55,937.09			55,937.09	STRS	4,614.81					811.09
1100	Brussatoi			1.00	41,769.09	41,769.09			41,769.09	STRS	3,445.95					605.65
1100	Caley			1.00	9,143.75	9,143.75			9,143.75	STRS	754.36					132.58
1100	Cheney			1.00	14,630.00	14,630.00			14,630.00						1,119.20	
1100	Cole			1.00	45,626.02	45,626.02			45,626.02	STRS	3,764.15					661.58
1100	Dawson/Weaver			1.00	46,983.09	46,983.09			46,983.09	STRS	3,876.10					681.25
1100	Dunn			1.00	26,766.00	26,766.00			26,766.00	STRS	2,208.20					388.11
1100	Fontana			1.00	9,602.67	9,602.67			9,602.67	STRS	792.22					139.24
1100	Foy			1.00	42,061.25	42,061.25			42,061.25	STRS	3,470.05					609.89
1100	Fuller			1.00	30,274.20	30,274.20			30,274.20						2,315.98	
1100	Heisig			1.00	20,739.10	20,739.10			20,739.10	STRS	1,710.98					300.72
1100	Hillberg			1.00	45,644.06	45,644.06			45,644.06	STRS	3,765.63					661.84
1100	Hinchliffe			1.00	25,602.50	25,602.50			25,602.50	STRS	2,112.21					371.24
1100	Ingstad			1.00	55,937.09	55,937.09			55,937.09	STRS	4,614.81					811.09
1100	James			1.00	34,746.25	34,746.25			34,746.25	STRS	2,866.57					503.82
1100	Kiemesrud, Eleanor			1.00	55,937.09	55,937.09			55,937.09	STRS	4,614.81					811.09
1100	Kiemesrud, Erin			1.00	45,626.02	45,626.02			45,626.02	STRS	3,764.15					661.58
1100	Knight, B			1.00	45,995.07	45,995.07			45,995.07	STRS	3,794.59					666.93
1100	Knight, J			1.00	71,400.01	71,400.01			71,400.01	STRS	5,890.50					1,035.30
1100	Latham			1.00	43,645.03	43,645.03			43,645.03	STRS	3,600.71					632.85
1100	Mobley			1.00	42,061.25	42,061.25			42,061.25	STRS	3,470.05					609.89
1100	Morgan			1.00	74,700.01	74,700.01			74,700.01	STRS	6,162.75					1,083.15
1100	Childers			1.00	18,287.50	18,287.50			18,287.50	STRS	1,508.72					265.17
1100	Powers			1.00	18,287.50	18,287.50			18,287.50	STRS	1,508.72					265.17
1100	Rust			1.00	66,237.05	66,237.05			66,237.05	STRS	5,464.56					960.44
1100	Tantardino			1.00	43,021.99	43,021.99			43,021.99	STRS	3,549.31					623.82
1100	West			1.00	55,937.09	55,937.09			55,937.09	STRS	4,614.81					811.09
1100	Williams			1.00	37,149.09	37,149.09			37,149.09	STRS	3,064.80					538.66
1120	Bishop, J			1.00	1,350.00	1,350.00			1,350.00						103.28	
1120	Bishop, N			1.00	2,700.00	2,700.00			2,700.00	STRS	222.75					39.15
1300	Henry			1.00	90,500.04	90,500.04			90,500.04	STRS	7,466.25					1,312.25
2100	Benson			1.00	13,124.32	13,124.32			13,124.32							1,004.01
2100	Dearman			1.00	14,194.40	14,194.40			14,194.40							1,085.87
2100	Lorton			1.00	15,076.49	15,076.49			15,076.49							1,153.35
2100	McCarthy			1.00	3,883.11	3,883.11			3,883.11							297.06
2100	Olsen			1.00	26,290.22	26,290.22			26,290.22							2,011.20
2100	Oliver			1.00	16,667.27	16,667.27			16,667.27							1,275.05
2200	Lasater			1.00	15,019.29	15,019.29			15,019.29							1,148.98
2200	Marshall			1.00	16,046.25	16,046.25			16,046.25							1,227.54
2200	Olivas			1.00	6,828.58	6,828.58			6,828.58							522.39
2400	Dowdy			1.00	10,623.91	10,623.91			10,623.91							812.73
2400	Stover			1.00	27,491.20	27,491.20			27,491.20							2,103.08
2400	Tilford			1.00	31,039.25	31,039.25			31,039.25							2,374.50
Totals				**45.00**		**1,526,442.50**	**-**	**-**	**1,526,442.50**		**105,922.08**	**-**	**-**	**-**	**3,538.45**	**33,632.36**
Teachers Only				**30.00**		**1,235,608.17**	**-**	**-**	**1,235,608.17**		**98,233.08**	**-**	**-**	**-**	**3,435.17**	**17,265.21**

ong Valley Charte

mployee Inputs $ 724.00 = Default monthly employer health $ - = State Unemp 1.60% = Workers' Comp on STD, GTL, LTD, AD&D

ong Valley nployer rate

SACS	Full Name	Monthly Health Rate	3401 Health, certificat	3402 Health, classified	3501 SUI, certificated	3502 SUI, classified	3601 Workers' Comp, certif	3602 Workers' Comp, clas	3901 Other Benefits, certific	3902 Other Benefits, clas	**Total Benefits**	**Total Compensation**
1100	Azevedo	724.00	8,688.00		-		729.99		296.79		14,140.33	59,764.59
1100	Berry	724.00	8,688.00		-		1,059.79		430.87		16,603.66	82,840.71
1100	Berlotti	724.00	8,688.00		-		894.99		363.87		15,372.76	71,309.85
1100	Brussatoi	724.00	8,688.00		-		668.31		271.71		13,679.62	55,448.71
1100	Caley		-		-		146.30		59.48		1,092.72	10,236.47
1100	Cheney		-		-		234.08		95.17		1,448.44	16,078.44
1100	Cole	724.00	8,688.00		-		730.02		296.80		14,140.54	59,766.56
1100	Dawson/Weaver	724.00	8,688.00		-		751.73		305.63		14,302.71	61,285.80
1100	Dunn		-		-		428.26		174.11		3,198.67	29,964.67
1100	Fontana		-		-		153.64		62.47		1,147.57	10,750.24
1100	Foy		-		-		672.98		273.61		5,026.53	47,087.78
1100	Fuller		-		-		484.39		196.93		2,997.30	33,271.50
1100	Heisig	724.00	8,688.00		-		331.83		134.91		11,166.43	31,905.53
1100	Hillberg	724.00	8,688.00		-		730.30		296.91		14,142.69	59,786.75
1100	Hinchliffe		-		-		409.64		166.54		3,059.63	28,662.13
1100	Ingstad	724.00	8,688.00		-		894.99		363.87		15,372.76	71,309.85
1100	James		-		-		555.94		226.02		4,152.35	38,898.60
1100	Kiemesrud, Eler	724.00	8,688.00		-		894.99		363.87		15,372.76	71,309.85
1100	Kiemesrud, Erin	724.00	8,688.00		-		730.02		296.80		14,140.54	59,766.56
1100	Knight, B	724.00	8,688.00		-		735.92		299.20		14,184.64	60,179.71
1100	Knight, J	724.00	8,688.00		-		1,142.40		464.46		17,220.66	88,620.67
1100	Latham	724.00	8,688.00		-		698.32		283.91		13,903.80	57,548.83
1100	Mobley		-		-		672.98		273.61		5,026.53	47,087.78
1100	Morgan	724.00	8,688.00		-		1,195.20		485.92		17,615.02	92,315.03
1100	Childers	724.00	8,688.00		-		292.60		118.96		10,873.45	29,160.95
1100	Powers	724.00	8,688.00		-		292.60		118.96		10,873.45	29,160.95
1100	Rust	724.00	8,688.00		-		1,059.79		430.87		16,603.66	82,840.71
1100	Tantardino	724.00	8,688.00		-		688.35		279.86		13,829.34	56,851.33
1100	West	724.00	8,688.00		-		894.99		363.87		15,372.76	71,309.85
1100	Williams	724.00	8,688.00		-		594.39		241.65		13,127.50	50,276.59
1120	Bishop, J		-		-		21.60		8.78		133.66	1,483.66
1120	Bishop, N		-		-		43.20		17.56		322.66	3,022.66
1300	Henry	1,248.50	14,982.00		-		1,448.00		588.70		25,797.21	116,297.25
2100	Benson			-		-		209.99		85.37	1,299.37	14,423.69
2100	Dearman			-		-		227.11		92.33	1,405.32	15,599.72
2100	Lorton			-		-		241.22		98.07	1,492.65	16,569.14
2100	McCarthy			-		-		62.13		25.26	384.45	4,267.56
2100	Olsen	724.00		8,688.00		-		420.64		171.02	11,290.86	37,581.08
2100	Oliver			-		-		266.68		108.42	1,650.14	18,317.41
2200	Lasater	724.00		8,688.00		-		240.31		97.70	10,174.98	25,194.27
2200	Marshall			-		-		256.74		104.38	1,588.66	17,634.91
2200	Olivas			-		-		109.26		44.42	676.06	7,504.64
2400	Dowdy			-		-		169.98		69.11	1,051.82	11,675.73
2400	Stover	724.00		8,688.00		-		439.86		178.83	11,409.77	38,900.97
2400	Tilford			-		-		496.63		201.91	3,073.04	34,112.29
Totals	**45.00**	**18,624.50**	**197,430.00**	**26,064.00**	**-**	**-**	**21,282.53**	**3,140.55**	**8,652.68**	**1,276.83**	**400,939.47**	**1,927,381.97**
Teachers Only		**15,204.00**	**182,448.00**	**-**	**-**	**-**	**19,769.73**	**-**	**8,037.63**	**-**	**329,188.82**	**1,564,796.99**

Long Valley Charter
Non-Personnel Expenses Input
2011/12 School Year

SAC	SAC	Code Description	Long Valley Annual Expense
Books and Supplies			
4100		Approved Textbooks and Core Curricula Materia	95000
4200		Books and Other Reference Materials	52500
4300		Materials and Supplies	20000
4315		Classroom Materials and Supplies	66250
4400		Noncapitalized Equipment	33500
4405		Non Educational Computer Software	
4407		Student Educational Computer Software	
4410		Computer Hardware	
4415		Student Band/Drama Equipment	
4420		Student Athletic Equipment	
4430		General Student Equipment	
4440		Student Events	
4700		School District Food	40000
4701		Non School District Food	
4702			
4000		**Subtotal**	**$ 307,250.00**

Services and Other Operating Expenses

5200	Travel and Conferences	10000
5210	Training and Development Expense	1000
5300	Dues and Memberships	7000
5400	Insurance	109000
5450	Property Tax Expense	
5500	Operation and Housekeeping Services/Supplies	50300
5501	Utilities	45000
5505	Student Transportation	34430
5600	Space Rental/Leases Expense	54000
5601	Building Maintenance	
5605	Equipment Rental/Lease Expense	58000
5800	Professional/Consulting Services and Operating E	89500
5803	Banking and Payroll Service Fees	8500
5805	Legal Services	83000
5810	Educational Consultants	65000
5815	Advertising / Recruiting	2000
5820	Fundraising Expense	3000
5890	Interest Expense / Misc. Fees	
5891	Charter School Capital Fees	
5899	CMO Management Fee	

Expenses Input

5900	Communications	61000
5901		
5902		
5903		
5000	**Subtotal**	**$ 680,730.00**

Capital Outlay

6100	Land
6170	Land Improvements
6200	Buildings and Improvements of Buildings
6300	Books and Media for New School Libraries or Major Expansion of School Libraries
6400	Equipment
6500	Equipment Replacement
6900	Depreciation Expense
6000	**Subtotal**

Other Outgoing

7000	Miscellaneous Expense	
7010	Special Education Encroachment	
7299	All Other Transfers to Other Locations	
7300		
7301		
7302		
7303		
7438	Debt Service - Interest	
7500	District Oversight Fee	24263.28
7000	**Subotal**	**$ 24,263.28**

Total Non-Personnel Expenses **$ 1,012,243.28**

Cash Flow %s

Long Valley Charter
Monthly Cash Flow Assumptions
2011/12 School Year

Please ensure you update the "Additional items " section and $ amounts at the very bottom

SAC Code	Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total	
Revenue																		
	Is this a new charter school?	no																
	Operating School's General Purpose, state aid sch	0%	0%	0%	12%	0%	0%	9%	25%	0.8%	0%	5%	1.6%	0%	22.2%	15.3%	100.00%	Source: CSDC July 2011
	New School's General Purpose, state aid schedule				37%			18%		0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.3%	100.00%	Source: CSDC July 2011
State																		
8015	General Purpose, grades K-3; state aid portion	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8015	General Purpose, grades 4-6; state aid portion	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8015	General Purpose, grades 7-8; state aid portion	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8015	General Purpose, grades 9-12; state aid portion	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8019	Prior Year Income / Adjustments	0%	0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100.00%	
8181	Special Education	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8434	Class Size Reduction, K-3							25.0%		75.0%							100.00%	
8480	Categorical Block Grant	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8480	Economic Impact	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8560	Lottery			25.0%			25.0%			25.0%			25.0%				100.00%	
8520	State Child Nutrition program				10%	10%	10%	10%	10%	10%	10%	10%	10%	10%			100.00%	
8591	SB 740 Rent re-imbursement program					50%						50%					100.00%	
8592	Art and Music Block grant	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8590	New School Block Grant Supplement	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
8590	Other State funding program	0.0%	0.0%	0.0%	11.9%	0.0%	9.0%	9.0%	25.1%	0.8%	0.0%	5.1%	1.6%	0.0%	22.2%	15.33%	100.00%	
Federal																		
8220	Federal Child Nutrition Programs				10%	10%	10%	10%	10%	10%	10%	10%	10%	10%			100%	
8290	All Other Federal Revenue, inc Facilities Incentive Grants program			0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%			100%	
8291	Title I					40%				40%			20%				100%	
8292	Title II					40%				40%			20%				100%	
8293	Title III					40%				40%			20%				100%	
8294	Title IV					40%				40%			20%				100%	
8295	Title V					40%				40%			20%				100%	
8296	Title V, B: PCSGP grant			50%					40%			10%					100%	
Local																		
8096	In-Lieu of Property Taxes, K-3		6%	12%	8%	8%	8%	8%	8%	14%	7%	7%	7%	7%			100.00%	
8096	In-Lieu of Property Taxes, 4-6		6%	12%	8%	8%	8%	8%	8%	14%	7%	7%	7%	7%			100%	
8096	In-Lieu of Property Taxes, 7-8		6%	12%	8%	8%	8%	8%	8%	14%	7%	7%	7%	7%			100%	
8096	In-Lieu of Property Taxes, 9-12		6%	12%	8%	8%	8%	8%	8%	14%	7%	7%	7%	7%			100%	
8660	Interest	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100%	
8782	All Other Transfers from County Offices			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8784	All Other Transfers from Other Locations			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8785	CMO Management fee			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8792	Transfers of Apportionments from County Offices			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8980	Student Lunch Revenue			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8981	Unrestricted Contributions			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8982	Foundation Grants			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8983	Miscellaneous			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8984	Student Body (ASB) Fundraising Revenue			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	
8985	School Site Fundraising			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%	

Cash Flow %s

Expenses

Certificated Salaries

1100	Teachers' Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100.00%
1105	Teachers' Bonuses												100%				100%
1120	Substitute Expense		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
1200	Certificated Pupil Support Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
1300	Certificated Supervisor and Administrator Salarie	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100.00%
1305	Certificated Supervisor and Administrator Bonuses												100%				100%
1900	Other Certificated Salaries	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100.00%
1910	Other Certificated Overtime	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100%

Classified Salaries

2100	Instructional Aide Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2110	Instructional Aide Overtime		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2200	Classified Support Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2210	Classified Support Overtime		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2300	Classified Supervisor and Administrator Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100.00%
2400	Clerical, Technical, and Office Staff Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100.00%
2410	Clerical, Technical, and Office Staff Overtime		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2900	Other Classified Salaries		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2905	Other Stipends		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
2910	Other Classified Overtime		9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%

Employee Benefits

3101	State Teachers' Retirement System, certificated positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100%
3102	State Teachers' Retirement System, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3201	Public Employees' Retirement System, certificated position	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3202	Public Employees' Retirement System, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3301	OASDI/Medicare/Alternative, certificated positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3302	OASDI/Medicare/Alternative, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3401	Health & Welfare Benefits, certificated positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3402	Health & Welfare Benefits, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3501	State Unemployment Insurance, certificated positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3502	State Unemployment Insurance, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3601	Worker Compensation Insurance, certificated positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3602	Worker Compensation Insurance, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3901	Other Benefits, certificated positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%
3902	Other Benefits, classified positions	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%					100.00%

Books and Supplies

4100	Approved Textbooks and Core Curricula Materials		20%	10%	5%	5%	10%	20%	10%	10%	10%						100%
4200	Books and Other Reference Materials			30%	10%	10%	10%	10%	10%	10%	10%						100%
4300	Materials and Supplies			40%	30%			30%									100%
4315	Classroom Materials and Supplies			30%	10%	10%	10%	10%	10%	10%	10%						100%
4305	Postage	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100.00%
4307	Printing & Copying Expense	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100.00%
4310	Messenger	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100.00%
4400	Noncapitalized Equipment			30%	10%	10%	20%	5%	5%	5%	5%	5.0%	5.0%				100.00%
4405	Non Educational Computer Software			30%	10%	10%	10%	10%	10%	10%	10%						100%
4407	Student Educational Computer Software		10.0%	50.0%	10.0%			20.0%	10.0%								100.00%
4410	Computer Hardware			60%				40%									100%
4415	Student Band/Drama Equipment			60%				40%									100%
4420	Student Athletic Equipment			60%				40%									100%
4430	General Student Equipment			60%				40%									100%
4440	Student Events			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
4700	School District Food			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
4701	Non School District Food			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
4702				10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%

Services and Other Operating Expenses

5200	Travel and Conferences			10%	5%	5%	9%	10%	50%	10%	10%						100%
5210	Training and Development Expense			30%	10%	10%	10%	10%	10%	10%	10%						100%
5300	Dues and Memberships			30%	10%	10%	10%	10%	10%	10%	10%						100.00%

Cash Flow %s

5400	Insurance		25%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%				100.00%
5450	Property Tax Expense			60%				40%									100.00%
5500	Operation and Housekeeping Services/Supplies			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100.00%
5501	Utilities	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100.00%
5505	Student Transportation			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100.00%
5600	Space Rental/Leases Expense	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%				100.00%
5601	Building Maintenance	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%				100.00%
5605	Equipment Rental/Lease Expense	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%				100.00%
5800	Professional/Consulting Services and Operating E	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100.00%
5803	Banking and Payroll Service Fees	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%				100.00%
5805	Legal Services	6%	6%	20%	20%	6%	6%	6%	6%	6%	6%	6%	6%				100.00%
5810	Educational Consultants	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
5815	Advertising / Recruiting	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
5820	Fundraising Expense	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
5890	Interest Expense / Misc. Fees	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
5891	Charter School Capital Fees			29%	7%	8%	25%			8%	8%	8%	8%				100.000%
5899	CMO Management Fee			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
5900	Communications	6.5%	6.5%	6.5%	20.0%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%				100.00%
5901		8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.3%	8.4%	8.4%	8.4%	8.4%				100.00%
5902				10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
5903		5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%

Capital Outlay

6100	Land	33%	34%	33%													100%
6170	Land Improvements	33%	34%	33%													100%
6200	Buildings and Improvements of Buildings	33%	34%	33%													100%
6300	Books and Media for New School Libraries or Major Expansion of S			75%				25%									100%
6400	Equipment	33%	34%	33%													100%
6500	Equipment Replacement	33%	34%	33%													100%
6900	Depreciation Expense	33%	34%	33%													100%

Other Outgoing

7000	Miscellaneous Expense	5%	5%	9%	9%	9%	9%	9%	9%	9%	9%	9%	9%				100%
7010	Special Education Encroachment			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
7299	All Other Transfers to Other Locations								20%	50%	20%	10%					100%
7300				10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
7301				10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
7302	1/0/1900			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
7303	1/0/1900			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
7438	Debt Service - Interest			10%	10%	10%	10%	10%	10%	10%	10%	10%	10%				100%
7500	District Oversight Fee							79%					21%				100%

Additional items needed for cash flow

	Cash balance at previous year end	100%															100%	
	Accounts Receivable	61%	10%	-32%	14%	1%											82%	
	Accounts Payable	94%	-74%	-36%	-249%	66%	-13%										-212%	
9640	Loan Principal Payable - CSC	75%	13%	12%													100%	
9641	Loan Principal Payable - CDE			53%	31%					25%	25%	25%	25%				184%	
9669	Loan Principal Payable - Allied	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	18%	

Enter $ Amounts

Long ValleySITE 2 NAMESITE 3 NAMESITE 4 NAMESITE 5 NAME

$	69,157
$	774,701
$	64,786
$	428,714
$	105,415
$	256,543

Long Valley Charter
Expenses Summary
2011/12 School Year

SAC	SAC Code Description	Long Valley Annual Expense
Certificated Salaries		
1100	Teachers' Salaries	1,235,608.17
1105	Teachers' Bonuses	-
1120	Substitute Expense	4,050.00
1200	Certificated Pupil Support Salaries	-
1300	Certificated Supervisor and Administrator Salaric	90,500.04
1305	Certificated Supervisor and Administrator Bonus	-
1900	Other Certificated Salaries	-
1910	Other Certificated Overtime	-
1000	**Subtotal**	**$ 1,330,158.21**
Classified Salaries		
2100	Instructional Aide Salaries	89,235.81
2110	Instructional Aide Overtime	-
2200	Classified Support Salaries	37,894.12
2210	Classified Support Overtime	-
2300	Classified Supervisor and Administrator Salaries	-
2400	Clerical, Technical, and Office Staff Salaries	69,154.36
2410	Clerical, Technical, and Office Staff Overtime	-
2900	Other Classified Salaries	-
2905	Other Stipends	-
2910	Other Classified Overtime	-
2000	**Subtotal**	**$ 196,284.29**
Employee Benefits		
3101	State Teachers' Retirement System, certificated p	105,922.08
3102	State Teachers' Retirement System, classified pos	-
3201	Public Employees' Retirement System, certificate	-
3202	Public Employees' Retirement System, classified	-
3301	OASDI/Medicare/Alternative, certificated positic	3,538.45
3302	OASDI/Medicare/Alternative, classified position	33,632.36
3401	Health & Welfare Benefits, certificated positions	197,430.00
3402	Health & Welfare Benefits, classified positions	26,064.00
3501	State Unemployment Insurance, certificated posit	-

3502	State Unemployment Insurance, classified positio		-
3601	Worker Compensation Insurance, certificated pos		21,282.53
3602	Worker Compensation Insurance, classified posit		3,140.55
3901	Other Benefits, certificated positions		8,652.68
3902	Other Benefits, classified positions		1,276.83
3000	**Subtotal**	**$**	**400,939.47**

Total Personnel Expenses	**$**	**1,927,381.97**

Books and Supplies

4100	Approved Textbooks and Core Curricula Materia		95,000.00
4200	Books and Other Reference Materials		52,500.00
4300	Materials and Supplies		20,000.00
4315	Classroom Materials and Supplies		66,250.00
4305	Postage		-
4307	Printing & Copying Expense		-
4310	Messenger		-
4400	Noncapitalized Equipment		33,500.00
4405	Non Educational Computer Software		-
4407	Student Educational Computer Software		-
4410	Computer Hardware		-
4415	Student Band/Drama Equipment		-
4420	Student Athletic Equipment		-
4430	General Student Equipment		-
4440	Student Events		-
4700	School District Food		40,000.00
4701	Non School District Food		-
4702			-
4000	**Subtotal**	**$**	**307,250.00**

Services and Other Operating Expenses

5200	Travel and Conferences	10,000.00
5210	Training and Development Expense	1,000.00
5300	Dues and Memberships	7,000.00
5400	Insurance	109,000.00
5450	Property Tax Expense	-
5500	Operation and Housekeeping Services/Supplies	50,300.00
5501	Utilities	45,000.00
5505	Student Transportation	34,430.00
5600	Space Rental/Leases Expense	54,000.00
5601	Building Maintenance	-
5605	Equipment Rental/Lease Expense	58,000.00

5800	Professional/Consulting Services and Operating E		89,500.00
5803	Banking and Payroll Service Fees		8,500.00
5805	Legal Services		83,000.00
5810	Educational Consultants		65,000.00
5815	Advertising / Recruiting		2,000.00
5820	Fundraising Expense		3,000.00
5890	Interest Expense / Misc. Fees		-
5891	Charter School Capital Fees		75,000.00
5899	CMO Management Fee		-
5900	Communications		61,000.00
5901			-
5902			-
5903			-
5000	**Subtotal**	**$**	**755,730.00**

Capital Outlay

6100	Land		-
6170	Land Improvements		-
6200	Buildings and Improvements of Buildings		-
6300	Books and Media for New School Libraries or M		-
6400	Equipment		-
6500	Equipment Replacement		-
6900	Depreciation Expense		-
6000	**Subtotal**		

Other Outgoing

7000	Miscellaneous Expense		-
7010	Special Education Encroachment		-
7299	All Other Transfers to Other Locations		-
7300			-
7301			-
7302			-
7303			-
7438	Debt Service - Interest		-
7500	District Oversight Fee		24,263.28
7000	**Subotal**	**$**	**24,263.28**

Total Non-Personnel Expenses	**$**	**1,087,243.28**
Total Expenses	**$**	**3,014,625.25**

Long Valley Charter
Budget Summary
2011/12 School Year

SACS Code	Description		Long Valley Budget Summary
Revenue			
	State		2,870,276.12
	Federal		190,713.00
	Local		292,514.08
Total Revenue		**$**	**3,353,503.20**
Expenses			
1000	Certificated Salaries		1,330,158.21
2000	Classified Salaries		196,284.29
3000	Benefits		400,939.47
4000	Books and Supplies		307,250.00
5000	Services and Other Operating Expenses		755,730.00
6000	Capital Outlay		
7000	Other Outgoing		24,263.28
Total Expenses		**$**	**3,014,625.25**
Surplus / (Deficit)		**$**	**338,877.95**

Long Valley Charter
Long Valley
Monthly Cash Flow Projections
2011/12 School Year

SAC Code	Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Revenue																	
State																	
8015	General Purpose, grades K-3; state aid portion	-	-	-	52,158	-	39,547	39,547	110,424	3,559	-	22,190	7,162	-	97,461	67,362	100.00%
8015	General Purpose, grades 4-6; state aid portion	-	-	-	39,881	-	30,238	30,238	84,432	2,721	-	16,967	5,476	-	74,521	51,506	100.00%
8015	General Purpose, grades 7-8; state aid portion	-	-	-	40,785	-	30,924	30,924	86,347	2,783	-	17,352	5,601	-	76,210	52,674	100.00%
8015	General Purpose, grades 9-12; state aid portion	-	-	-	155,181	-	117,660	117,660	328,534	10,589	-	66,021	21,310	-	289,967	200,415	100.00%
8019	Prior Year Income / Adjustments	-	-	9,852	-	-	-	-	-	-	-	-	-	-	-	-	100.00%
8181	Special Education																
8434	Class Size Reduction, K-3							25,972		77,915							100.00%
8480	Categorical Block Grant	-	-	-	22,679	-	17,196	17,196	48,014	1,548	-	9,649	3,114	-	42,378	29,290	100.00%
8480	Economic Impact	-	-	-	4,657	-	3,531	3,531	9,860	318	-	1,981	640	-	8,703	6,015	100.00%
8560	Lottery			14,853			14,853			14,853			14,853				100.00%
8520	State Child Nutrition program																
8591	SB 740 Rent re-imbursement program					20,250						20,250					100.00%
8592	Art and Music Block grant																
8590	New School Block Grant Supplement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
8590	Other State funding program																
	Subtotal	$ -	$ -	$ 24,704.50	$ 315,341.64	$ 20,250.00	$ 253,948.94	$ 265,068.19	$ 667,610.40	$ 114,286.43	$ -	$ 154,409.67	$ 58,155.52	$ -	$ 589,239.90	$ 407,260.94	
Federal																	
8220	Federal Child Nutrition Programs				4,705	4,705	4,705	4,705	4,705	4,705	4,705	4,705	4,705	4,705			100.00%
8290	All Other Federal Revenue, inc Facilities Incentiv			-	-	-	-	-	64,019	-	-	-	-	-			100.00%
8291	Title I					31,856				31,856			15,928				100.00%
8292	Title II																
8293	Title III																
8294	Title IV																
8295	Title V																
8296	Title V, B: PCSGP grant																
	Subtotal	$ -	$ -	$ -	$ 4,705.40	$ 36,561.40	$ 4,705.40	$ 4,705.40	$ 68,724.40	$ 36,561.40	$ 4,705.40	$ 4,705.40	$ 20,633.40	$ 4,705.40	$ -	$ -	
Local																	
8096	In-Lieu of Property Taxes, K-3		3,411	6,821	4,547	4,547	4,547	4,547	4,547	7,958	3,979	3,979	3,979	3,979			100.00%
8096	In-Lieu of Property Taxes, 4-6		2,565	5,131	3,420	3,420	3,420	3,420	3,420	5,986	2,993	2,993	2,993	2,993			100.00%
8096	In-Lieu of Property Taxes, 7-8		2,539	5,077	3,385	3,385	3,385	3,385	3,385	5,923	2,962	2,962	2,962	2,962			100.00%
8096	In-Lieu of Property Taxes, 9-12		8,196	16,393	10,929	10,929	10,929	10,929	10,929	19,125	9,563	9,563	9,563	9,563			100.00%
8660	Interest																
8782	All Other Transfers from County Offices																
8784	All Other Transfers from Other Locations																
8785	CMO Management fee																
8792	Transfers of Apportionments from County Office																
8980	Student Lunch Revenue			1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100				100.00%
8981	Unrestricted Contributions																
8982	Foundation Grants																
8983	Miscellaneous																
8984	Student Body (ASB) Fundraising Revenue																
8985	School Site Fundraising			300	300	300	300	300	300	300	300	300	300				100.00%
	Subtotal	$ -	$ 16,710.84	$ 34,821.69	$ 23,681.13	$ 23,681.13	$ 23,681.13	$ 23,681.13	$ 23,681.13	$ 40,391.97	$ 20,895.99	$ 20,895.99	$ 20,895.99	$ 19,495.99	$ -	$ -	
Total		$ -	$ 16,710.84	$ 59,526.19	$ 343,728.17	$ 80,492.53	$ 282,335.47	$ 293,454.72	$ 760,015.92	$ 191,239.80	$ 25,601.39	$ 180,011.06	$ 99,684.91	$ 24,201.39	$ 589,239.90	$ 407,260.94	
Expenses																	
Certificated Salaries																	
1100	Teachers' Salaries		112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328				100.00%
1105	Teachers' Bonuses												-				
1120	Substitute Expense		368	368	368	368	368	368	368	368	368	368	368				100.00%
1200	Certificated Pupil Support Salaries		-	-	-	-	-	-	-	-	-	-	-				
1300	Certificated Supervisor and Administrator Salaric	7,512	7,512	7,512	7,512	7,512	7,512	7,512	7,512	7,602	7,602	7,602	7,602				100.00%
1305	Certificated Supervisor and Administrator Bonus												-				
1900	Other Certificated Salaries	-	-	-	-	-	-	-	-	-	-	-	-				
1910	Other Certificated Overtime	-	-	-	-	-	-	-	-	-	-	-	-				
1000 Subtotal		$ 7,511.50	$ 120,207.70	$ 120,207.70	$ 120,207.70	$ 120,207.70	$ 120,207.70	$ 120,207.70	$ 120,207.70	$ 120,298.20	$ 120,298.20	$ 120,298.20	$ 120,298.20				

Cash Flow $s Site 1

Classified Salaries																	
2100	Instructional Aide Salaries		8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112				100.00%
2110	Instructional Aide Overtime		-	-	-	-	-	-	-	-	-	-	-				
2200	Classified Support Salaries		3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445				100.00%
2210	Classified Support Overtime		-	-	-	-	-	-	-	-	-	-	-				
2300	Classified Supervisor and Administrator Salaries		-	-	-	-	-	-	-	-	-	-	-				
2400	Clerical, Technical, and Office Staff Salaries		6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287				100.00%
2410	Clerical, Technical, and Office Staff Overtime		-	-	-	-	-	-	-	-	-	-	-				
2900	Other Classified Salaries		-	-	-	-	-	-	-	-	-	-	-				
2905	Other Stipends		-	-	-	-	-	-	-	-	-	-	-				
2910	Other Classified Overtime		-	-	-	-	-	-	-	-	-	-	-				
2000	**Subtotal**		**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**				
Employee Benefits																	
3101	State Teachers' Retirement System, certificated p		9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629				100.00%
3102	State Teachers' Retirement System, classified pos		-	-	-	-	-	-	-	-	-	-	-				
3201	Public Employees' Retirement System, certificate		-	-	-	-	-	-	-	-	-	-	-				
3202	Public Employees' Retirement System, classified		-	-	-	-	-	-	-	-	-	-	-				
3301	OASDI/Medicare/Alternative, certificated positio		322	322	322	322	322	322	322	322	322	322	322				100.00%
3302	OASDI/Medicare/Alternative, classified positions		3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057				100.00%
3401	Health & Welfare Benefits, certificated positions		17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948				100.00%
3402	Health & Welfare Benefits, classified positions		2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369				100.00%
3501	State Unemployment Insurance, certificated posit		-	-	-	-	-	-	-	-	-	-	-				
3502	State Unemployment Insurance, classified positio		-	-	-	-	-	-	-	-	-	-	-				
3601	Worker Compensation Insurance, certificated pos		1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935				100.00%
3602	Worker Compensation Insurance, classified posit		286	286	286	286	286	286	286	286	286	286	286				100.00%
3901	Other Benefits, certificated positions		787	787	787	787	787	787	787	787	787	787	787				100.00%
3902	Other Benefits, classified positions		116	116	116	116	116	116	116	116	116	116	116				100.00%
3000	**Subtotal**		**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**				
Books and Supplies																	
4100	Approved Textbooks and Core Curricula Materia		19,000	9,500	4,750	4,750	9,500	19,000	9,500	9,500	9,500						#DIV/0!
4200	Books and Other Reference Materials			15,750	5,250	5,250	5,250	5,250	5,250	5,250	5,250						#DIV/0!
4300	Materials and Supplies			8,000	6,000			6,000									21.05%
4315	Classroom Materials and Supplies			19,875	6,625	6,625	6,625	6,625	6,625	6,625	6,625						126.19%
4305	Postage	-	-	-	-	-	-	-	-	-	-	-	-				
4307	Printing & Copying Expense	-	-	-	-	-	-	-	-	-	-	-	-				
4310	Messenger	-	-	-	-	-	-	-	-	-	-	-	-				
4400	Noncapitalized Equipment			10,050	3,350	3,350	6,700	1,675	1,675	1,675	1,675	1,675	1,675				#DIV/0!
4405	Non Educational Computer Software			-	-	-	-	-	-	-	-						
4407	Student Educational Computer Software		-	-	-			-	-								
4410	Computer Hardware			-				-									
4415	Student Band/Drama Equipment			-				-									
4420	Student Athletic Equipment			-				-									
4430	General Student Equipment			-				-									
4440	Student Events			-	-	-	-	-	-	-	-	-	-				
4700	School District Food			4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000				#DIV/0!
4701	Non School District Food			-	-	-	-	-	-	-	-	-	-				
4702				-	-	-	-	-	-	-	-	-	-				
4000	**Subtotal**		**$ 19,000.00**	**$ 67,175.00**	**$ 29,975.00**	**$ 23,975.00**	**$ 32,075.00**	**$ 42,550.00**	**$ 27,050.00**	**$ 27,050.00**	**$ 27,050.00**	**$ 5,675.00**	**$ 5,675.00**				
Services and Other Operating Expenses																	
5200	Travel and Conferences			1,000	500	500	-	1,000	5,000	1,000	1,000						#DIV/0!
5210	Training and Development Expense			300	100	100	100	100	100	100	100						#DIV/0!
5300	Dues and Memberships			2,100	700	700	700	700	700	700	700						70.00%
5400	Insurance		27,250	8,175	8,175	8,175	8,175	8,175	8,175	8,175	8,175	8,175	8,175				######
5450	Property Tax Expense			-				-									
5500	Operation and Housekeeping Services/Supplies			5,030	5,030	5,030	5,030	5,030	5,030	5,030	5,030	5,030	5,030				46.15%
5501	Utilities	2,250	2,250	4,050	4,050	4,050	4,050	4,050	4,050	4,050	4,050	4,050	4,050				#DIV/0!
5505	Student Transportation			3,443	3,443	3,443	3,443	3,443	3,443	3,443	3,443	3,443	3,443				68.45%
5600	Space Rental/Leases Expense	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500				120.00%
5601	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-				
5605	Equipment Rental/Lease Expense	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833				107.41%
5800	Professional/Consulting Services and Operating E	4,475	4,475	8,055	8,055	8,055	8,055	8,055	8,055	8,055	8,055	8,055	8,055				#DIV/0!
5803	Banking and Payroll Service Fees	708	708	708	708	708	708	708	708	708	708	708	708				14.66%
5805	Legal Services	4,980	4,980	16,600	16,600	4,980	4,980	4,980	4,980	4,980	4,980	4,980	4,980				92.74%
5810	Educational Consultants	3,250	3,250	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850				764.71%
5815	Advertising / Recruiting	100	100	180	180	180	180	180	180	180	180	180	180				2.41%
5820	Fundraising Expense	150	150	270	270	270	270	270	270	270	270	270	270				4.62%
5890	Interest Expense / Misc. Fees	-	-	-	-	-	-	-	-	-	-	-	-				
5891	Charter School Capital Fees			21,903	5,608	6,246	17,108			6,034	6,034	6,034	6,034				######
5899	CMO Management Fee			-	-	-	-	-	-	-	-	-	-				
5900	Communications	3,937	3,937	3,937	17,690	3,937	3,937	3,937	3,937	3,937	3,937	3,937	3,937				81.33%
5901		-	-	-	-	-	-	-	-	-	-	-	-				

Cash Flow $s Site 1

5902				-	-	-	-	-	-	-	-	-	-				
5903		-	-	-	-	-	-	-	-	-	-	-	-				
5000 Subtotal		**$ 29,183.94**	**$ 56,433.94**	**$ 90,934.94**	**$ 86,292.66**	**$ 61,557.94**	**$ 71,919.89**	**$ 55,811.94**	**$ 59,811.94**	**$ 61,845.69**	**$ 61,845.69**	**$ 60,045.69**	**$ 60,045.69**				
Capital Outlay																	
6100	Land	-	-	-													
6170	Land Improvements	-	-	-													
6200	Buildings and Improvements of Buildings	-	-	-													
6300	Books and Media for New School Libraries or M			-				-									
6400	Equipment	-	-	-													
6500	Equipment Replacement	-	-	-													
6900	Depreciation Expense	-	-	-													
6000 Subtotal																	
Other Outgoing																	
7000	Miscellaneous Expense	-	-	-	-	-	-	-	-	-	-	-	-				
7010	Special Education Encroachment			-	-	-	-	-	-	-	-	-	-				
7299	All Other Transfers to Other Locations								-	-	-	-					
7300				-	-	-	-	-	-	-	-	-	-				
7301				-	-	-	-	-	-	-	-	-	-				
7302	1/0/1900			-	-	-	-	-	-	-	-	-	-				
7303	1/0/1900			-	-	-	-	-	-	-	-	-	-				
7438	Debt Service - Interest			-	-	-	-	-	-	-	-	-	-				
7500	District Oversight Fee							19,071					5,192				#DIV 0!
7000 Subtotal								**$ 19,070.93**					**$ 5,192.34**				
Total Expenses		**$ 36,695.44**	**$ 249,934.71**	**$ 332,610.71**	**$ 290,768.43**	**$ 260,033.71**	**$ 278,495.66**	**$ 291,933.64**	**$ 261,362.71**	**$ 263,486.96**	**$ 263,486.96**	**$ 240,311.96**	**$ 245,504.30**				
Additional items needed for cash flow																	
69185	Cash balance at previous year end	69,157	-	-	-	-	-	-	-	-	-	-	-				
772301	Accounts Receivable	473,565	144,192	(94,700)	105,871	5,695	-	-	-	-	-	-	-				
64786	Accounts Payable	60,812	(48,091)	(19,651)	(161,148)	38,957	(8,192)	-	-	-	-	-	-				
428714	Loan Principal - CSC - Payment	237,290	127,000	139,000	-	95,700	214,248	-	-	-	-	-	-				
105415	Loan Principal - CSC - Draw	-	170,000	153,406	153,406	166,077	248,136	-	-	-	-	-	-				
250533	Loan Principal Payable - CDE	-	-	56,021	32,299	-	-	-	-	26,354	26,354	26,354	26,354				
0	Loan Principal Payable - Allied	4,566	1,541	1,551	1,560	1,570	1,556	1,556	1,556	1,556	1,556	1,556	1,556				
	Subotal	240,054	233,742	(118,215)	386,565	35,545	40,524	(1,556)	(1,556)	(27,910)	(27,910)	(27,910)	(27,910)				
Monthly Operating Surplus / (Deficit)		**$ (36,695.44)**	**$ (233,223.86)**	($273,085)	**$52,960**	($179,541)	**$3,840**	**$1,521**	**$498,653**	($72,247)	($237,886)	($60,301)	($145,819)				
Total Monthly Surplus / (Deficit)		**$203,359**	**518**	($391,299)	**$439,525**	($143,996)	**$44,364**	($35)	**$497,097**	($100,157)	($265,795)	($88,211)	($173,729)				
Projected Monthly Cash Balance		**$203,359**	**$203,876**	($187,423)	**$252,102**	**$108,106**	**$152,470**	**$152,435**	**$649,532**	**$549,375**	**$283,580**	**$195,369**	**$21,640**				

Cash Flow $5 Site 1

Long Valley Charter
Long Valley
Monthly Cash Flow Projections
2011/12 School Year

SAC Code	Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Revenue																	
State																	
8015	General Purpose, grades K-3; state aid portion	-	-	-	52,158	-	39,547	39,547	110,424	3,559	-	22,190	7,162	-	97,461	67,362	100.00%
8015	General Purpose, grades 4-6; state aid portion	-	-	-	39,881	-	30,238	30,238	84,432	2,721	-	16,967	5,476	-	74,521	51,506	100.00%
8015	General Purpose, grades 7-8; state aid portion	-	-	-	40,785	-	30,924	30,924	86,347	2,783	-	17,352	5,601	-	76,210	52,674	100.00%
8015	General Purpose, grades 9-12; state aid portion	-	-	-	155,181	-	117,660	117,660	328,534	10,589	-	66,021	21,310	-	289,967	200,415	100.00%
8019	Prior Year Income / Adjustments	-	-	9,852	-	-	-	-	-	-	-	-	-	-	-	-	100.00%
8181	Special Education																
8434	Class Size Reduction, K-3							25,972		77,915							100.00%
8480	Categorical Block Grant	-	-	-	22,679	-	17,196	17,196	48,014	1,548	-	9,649	3,114	-	42,378	29,290	100.00%
8480	Economic Impact	-	-	-	4,657	-	3,531	3,531	9,860	318	-	1,981	640	-	8,703	6,015	100.00%
8560	Lottery			14,853			14,853			14,853			14,853				100.00%
8520	State Child Nutrition program																
8591	SB 740 Rent re-imbursement program					20,250						20,250					100.00%
8592	Art and Music Block grant																
8590	New School Block Grant Supplement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
8590	Other State funding program																
	Subtotal	**$ -**	**$ -**	**$ 24,704.50**	**$ 315,341.64**	**$ 20,250.00**	**$ 253,948.94**	**$ 265,068.19**	**$ 667,610.40**	**$ 114,286.43**	**$ -**	**$ 154,409.67**	**$ 58,155.52**	**$ -**	**$ 589,239.90**	**$ 407,260.94**	
Federal																	
8220	Federal Child Nutrition Programs				4,705	4,705	4,705	4,705	4,705	4,705	4,705	4,705	4,705	4,705			100.00%
8290	All Other Federal Revenue, inc Facilities Incentiv			-	-	-	-	-	64,019	-	-	-	-	-			100.00%
8291	Title I					31,856				31,856			15,928				100.00%
8292	Title II																
8293	Title III																
8294	Title IV																
8295	Title V																
8296	Title V, B: PCSGP grant																
	Subtotal	**$ -**	**$ -**	**$ -**	**$ 4,705.40**	**$ 36,561.40**	**$ 4,705.40**	**$ 4,705.40**	**$ 68,724.40**	**$ 36,561.40**	**$ 4,705.40**	**$ 4,705.40**	**$ 20,633.40**	**$ 4,705.40**	**$ -**	**$ -**	
Local																	
8096	In-Lieu of Property Taxes, K-3		3,411	6,821	4,547	4,547	4,547	4,547	4,547	7,958	3,979	3,979	3,979	3,979			100.00%
8096	In-Lieu of Property Taxes, 4-6		2,565	5,131	3,420	3,420	3,420	3,420	3,420	5,986	2,993	2,993	2,993	2,993			100.00%
8096	In-Lieu of Property Taxes, 7-8		2,539	5,077	3,385	3,385	3,385	3,385	3,385	5,923	2,962	2,962	2,962	2,962			100.00%
8096	In-Lieu of Property Taxes, 9-12		8,196	16,393	10,929	10,929	10,929	10,929	10,929	19,125	9,563	9,563	9,563	9,563			100.00%
8660	Interest																
8782	All Other Transfers from County Offices																
8784	All Other Transfers from Other Locations																
8785	CMO Management fee																
8792	Transfers of Apportionments from County Office																
8980	Student Lunch Revenue			1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100	1,100				100.00%
8981	Unrestricted Contributions																
8982	Foundation Grants																
8983	Miscellaneous																
8984	Student Body (ASB) Fundraising Revenue																
8985	School Site Fundraising			300	300	300	300	300	300	300	300	300	300				100.00%
	Subtotal	**$ -**	**$ 16,710.84**	**$ 34,821.69**	**$ 23,681.13**	**$ 23,681.13**	**$ 23,681.13**	**$ 23,681.13**	**$ 23,681.13**	**$ 40,391.97**	**$ 20,895.99**	**$ 20,895.99**	**$ 20,895.99**	**$ 19,495.99**	**$ -**	**$ -**	
Total		**$ -**	**$ 16,710.84**	**$ 59,526.19**	**$ 343,728.17**	**$ 80,492.53**	**$ 282,335.47**	**$ 293,454.72**	**$ 760,015.92**	**$ 191,239.80**	**$ 25,601.39**	**$ 180,011.06**	**$ 99,684.91**	**$ 24,201.39**	**$ 589,239.90**	**$ 407,260.94**	
Expenses																	
Certificated Salaries																	
1100	Teachers' Salaries		112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328	112,328				100.00%
1105	Teachers' Bonuses												-				
1120	Substitute Expense		368	368	368	368	368	368	368	368	368	368	368				100.00%
1200	Certificated Pupil Support Salaries		-	-	-	-	-	-	-	-	-	-	-				
1300	Certificated Supervisor and Administrator Salaric	7,512	7,512	7,512	7,512	7,512	7,512	7,512	7,512	7,602	7,602	7,602	7,602				100.00%
1305	Certificated Supervisor and Administrator Bonus												-				
1900	Other Certificated Salaries	-	-	-	-	-	-	-	-	-	-	-	-				
1910	Other Certificated Overtime	-	-	-	-	-	-	-	-	-	-	-	-				
1000	**Subtotal**	**$ 7,511.50**	**$ 120,207.70**	**$ 120,207.70**	**$ 120,207.70**	**$ 120,207.70**	**$ 120,207.70**	**$ 120,207.70**	**$ 120,207.70**	**$ 120,298.20**	**$ 120,298.20**	**$ 120,298.20**	**$ 120,298.20**				

Cash Flow $s Site 1

Classified Salaries

2100	Instructional Aide Salaries		8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112	8,112				100.00%
2110	Instructional Aide Overtime		-	-	-	-	-	-	-	-	-	-	-				
2200	Classified Support Salaries		3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445	3,445				100.00%
2210	Classified Support Overtime		-	-	-	-	-	-	-	-	-	-	-				
2300	Classified Supervisor and Administrator Salaries		-	-	-	-	-	-	-	-	-	-	-				
2400	Clerical, Technical, and Office Staff Salaries		6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287	6,287				100.00%
2410	Clerical, Technical, and Office Staff Overtime		-	-	-	-	-	-	-	-	-	-	-				
2900	Other Classified Salaries		-	-	-	-	-	-	-	-	-	-	-				
2905	Other Stipends		-	-	-	-	-	-	-	-	-	-	-				
2910	Other Classified Overtime		-	-	-	-	-	-	-	-	-	-	-				
2000	**Subtotal**		**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**	**$ 17,844.03**				

Employee Benefits

3101	State Teachers' Retirement System, certificated p		9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629	9,629				100.00%
3102	State Teachers' Retirement System, classified pos		-	-	-	-	-	-	-	-	-	-	-				
3201	Public Employees' Retirement System, certificate		-	-	-	-	-	-	-	-	-	-	-				
3202	Public Employees' Retirement System, classified		-	-	-	-	-	-	-	-	-	-	-				
3301	OASDI/Medicare/Alternative, certificated positio		322	322	322	322	322	322	322	322	322	322	322				100.00%
3302	OASDI/Medicare/Alternative, classified positions		3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057	3,057				100.00%
3401	Health & Welfare Benefits, certificated positions		17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948	17,948				100.00%
3402	Health & Welfare Benefits, classified positions		2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369	2,369				100.00%
3501	State Unemployment Insurance, certificated posit		-	-	-	-	-	-	-	-	-	-	-				
3502	State Unemployment Insurance, classified positio		-	-	-	-	-	-	-	-	-	-	-				
3601	Worker Compensation Insurance, certificated pos		1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935	1,935				100.00%
3602	Worker Compensation Insurance, classified posit		286	286	286	286	286	286	286	286	286	286	286				100.00%
3901	Other Benefits, certificated positions		787	787	787	787	787	787	787	787	787	787	787				100.00%
3902	Other Benefits, classified positions		116	116	116	116	116	116	116	116	116	116	116				100.00%
3000	**Subtotal**		**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**	**$ 36,449.04**				

Books and Supplies

4100	Approved Textbooks and Core Curricula Materia		19,000	9,500	4,750	4,750	9,500	19,000	9,500	9,500	9,500						#DIV 0!
4200	Books and Other Reference Materials			15,750	5,250	5,250	5,250	5,250	5,250	5,250	5,250						#DIV 0!
4300	Materials and Supplies			8,000	6,000			6,000									21.05%
4315	Classroom Materials and Supplies			19,875	6,625	6,625	6,625	6,625	6,625	6,625	6,625						126.19%
4305	Postage	-	-	-	-	-	-	-	-	-	-	-	-				
4307	Printing & Copying Expense	-	-	-	-	-	-	-	-	-	-	-	-				
4310	Messenger	-	-	-	-	-	-	-	-	-	-	-	-				
4400	Noncapitalized Equipment			10,050	3,350	3,350	6,700	1,675	1,675	1,675	1,675	1,675	1,675				#DIV 0!
4405	Non Educational Computer Software			-	-	-	-	-	-	-	-						
4407	Student Educational Computer Software		-	-	-			-	-								
4410	Computer Hardware			-				-									
4415	Student Band/Drama Equipment			-				-									
4420	Student Athletic Equipment			-				-									
4430	General Student Equipment			-				-									
4440	Student Events			-	-	-	-	-	-	-	-	-	-				
4700	School District Food			4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000				#DIV 0!
4701	Non School District Food			-	-	-	-	-	-	-	-	-	-				
4702				-	-	-	-	-	-	-	-	-	-				
4000	**Subtotal**		**$ 19,000.00**	**$ 67,175.00**	**$ 29,975.00**	**$ 23,975.00**	**$ 32,075.00**	**$ 42,550.00**	**$ 27,050.00**	**$ 27,050.00**	**$ 27,050.00**	**$ 5,675.00**	**$ 5,675.00**				

Services and Other Operating Expenses

5200	Travel and Conferences			1,000	500	500	-	1,000	5,000	1,000	1,000						#DIV 0!
5210	Training and Development Expense			300	100	100	100	100	100	100	100						#DIV 0!
5300	Dues and Memberships			2,100	700	700	700	700	700	700	700						70.00%
5400	Insurance		27,250	8,175	8,175	8,175	8,175	8,175	8,175	8,175	8,175	8,175	8,175				######
5450	Property Tax Expense			-				-									
5500	Operation and Housekeeping Services Supplies			5,030	5,030	5,030	5,030	5,030	5,030	5,030	5,030	5,030	5,030				46.15%
5501	Utilities	2,250	2,250	4,050	4,050	4,050	4,050	4,050	4,050	4,050	4,050	4,050	4,050				#DIV 0!
5505	Student Transportation			3,443	3,443	3,443	3,443	3,443	3,443	3,443	3,443	3,443	3,443				68.45%
5600	Space Rental/Leases Expense	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500				120.00%
5601	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-				
5605	Equipment Rental/Lease Expense	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833	4,833				107.41%
5800	Professional/Consulting Services and Operating E	4,475	4,475	8,055	8,055	8,055	8,055	8,055	8,055	8,055	8,055	8,055	8,055				#DIV 0!
5803	Banking and Payroll Service Fees	708	708	708	708	708	708	708	708	708	708	708	708				14.66%
5805	Legal Services	4,980	4,980	16,600	16,600	4,980	4,980	4,980	4,980	4,980	4,980	4,980	4,980				92.74%
5810	Educational Consultants	3,250	3,250	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850	5,850				764.71%
5815	Advertising / Recruiting	100	100	180	180	180	180	180	180	180	180	180	180				2.41%
5820	Fundraising Expense	150	150	270	270	270	270	270	270	270	270	270	270				4.62%
5890	Interest Expense / Misc. Fees	-	-	-	-	-	-	-	-	-	-	-	-				
5891	Charter School Capital Fees			21,903	5,608	6,246	17,108			6,034	6,034	6,034	6,034				######
5899	CMO Management Fee			-	-	-	-	-	-	-	-	-	-				
5900	Communications	3,937	3,937	3,937	17,690	3,937	3,937	3,937	3,937	3,937	3,937	3,937	3,937				81.33%
5901		-	-	-	-	-	-	-	-	-	-	-	-				

Cash Flow $s Site 1

5902				-	-	-	-	-	-	-	-	-	-				
5903		-	-	-	-	-	-	-	-	-	-	-	-				
5000 Subtotal		**$ 29,183.94**	**$ 56,433.94**	**$ 90,934.94**	**$ 86,292.66**	**$ 61,557.94**	**$ 71,919.89**	**$ 55,811.94**	**$ 59,811.94**	**$ 61,845.69**	**$ 61,845.69**	**$ 60,045.69**	**$ 60,045.69**				
Capital Outlay																	
6100	Land	-	-	-													
6170	Land Improvements	-	-	-													
6200	Buildings and Improvements of Buildings	-	-	-													
6300	Books and Media for New School Libraries or M			-				-									
6400	Equipment	-	-	-													
6500	Equipment Replacement	-	-	-													
6900	Depreciation Expense	-	-	-													
6000 Subtotal																	
Other Outgoing																	
7000	Miscellaneous Expense	-	-	-	-	-	-	-	-	-	-	-	-				
7010	Special Education Encroachment			-	-	-	-	-	-	-	-	-	-				
7299	All Other Transfers to Other Locations								-	-	-	-					
7300				-	-	-	-	-	-	-	-	-	-				
7301				-	-	-	-	-	-	-	-	-	-				
7302	1-0-1900			-	-	-	-	-	-	-	-	-	-				
7303	1-0-1900			-	-	-	-	-	-	-	-	-	-				
7438	Debt Service - Interest			-	-	-	-	-	-	-	-	-	-				
7500	District Oversight Fee							19,071					5,192				#DIV 0!
7000 Subotal								**$ 19,070.93**					**$ 5,192.34**				
Total Expenses		**$ 36,695.44**	**$ 249,934.71**	**$ 332,610.71**	**$ 290,768.43**	**$ 260,033.71**	**$ 278,495.66**	**$ 291,933.64**	**$ 261,362.71**	**$ 263,486.96**	**$ 263,486.96**	**$ 240,311.96**	**$ 245,504.30**				
Additional items needed for cash flow																	
69157	Cash balance at previous year end	69,157	-	-	-	-	-	-	-	-	-	-	-				
473565	Accounts Receivable	473,565	144,192	(94,700)	105,871	5,695	-	-	-	-	-	-	-				
60812	Accounts Payable	60,812	(48,091)	(19,651)	(161,148)	38,957	(8,192)	-	-	-	-	-	-				
237290	Loan Principal - CSC - Payment	237,290	127,000	139,000	-	95,700	214,248	-	-	-	-	-	-				
305435	Loan Principal - CSC - Draw	-	170,000	153,406	153,406	166,077	248,136	-	-	-	-	-	-				
236543	Loan Principal Payable - CDE	-	-	56,021	32,299	-	-	-	-	26,354	26,354	26,354	26,354				
0	Loan Principal Payable - Allied	4,566	1,541	1,551	1,560	1,570	1,556	1,556	1,556	1,556	1,556	1,556	1,556				
	Subotal	240,054	233,742	(118,215)	386,565	35,545	40,524	(1,556)	(1,556)	(27,910)	(27,910)	(27,910)	(27,910)				

Monthly Operating Surplus / (Deficit)	**$ (36,695.44)**	**$ (233,223.86)**	($273,085)	**$52,960**	($179,541)	**$3,840**	**$1,521**	**$498,653**	($72,247)	($237,886)	($60,301)	($145,819)
Total Monthly Surplus / (Deficit)	**$203,359**	**518**	($391,299)	**$439,525**	($143,996)	**$44,364**	($35)	**$497,097**	($100,157)	($265,795)	($88,211)	($173,729)
Projected Monthly Cash Balance	**$203,359**	**$203,876**	($187,423)	**$252,102**	**$108,106**	**$152,470**	**$152,435**	**$649,532**	**$549,375**	**$283,580**	**$195,369**	**$21,640**

Fiscal_Sets

ACCTID	FSCSYR	FSCSDSG	FSCSCURI	CURNTYPI	NETPERD1	NETPERD2	NETPERD3
110002000	2012	1	USD	F	0.00	112328.02	112328.02
110002001	2012	1	USD	F	0.00	0.00	0.00
110002065	2012	1	USD	F	0.00	0.00	0.00
110502000	2012	1	USD	F	0.00	0.00	0.00
110502001	2012	1	USD	F	0.00	0.00	0.00
110502065	2012	1	USD	F	0.00	0.00	0.00
112002000	2012	1	USD	F	0.00	368.18	368.18
112002001	2012	1	USD	F	0.00	0.00	0.00
112002065	2012	1	USD	F	0.00	0.00	0.00
120002000	2012	1	USD	F	0.00	0.00	0.00
120002001	2012	1	USD	F	0.00	0.00	0.00
120002065	2012	1	USD	F	0.00	0.00	0.00
130002000	2012	1	USD	F	7511.50	7511.50	7511.50
130002001	2012	1	USD	F	0.00	0.00	0.00
130002065	2012	1	USD	F	0.00	0.00	0.00
130502000	2012	1	USD	F	0.00	0.00	0.00
130502001	2012	1	USD	F	0.00	0.00	0.00
130502065	2012	1	USD	F	0.00	0.00	0.00
190002000	2012	1	USD	F	0.00	0.00	0.00
190002001	2012	1	USD	F	0.00	0.00	0.00
190002065	2012	1	USD	F	0.00	0.00	0.00
191002000	2012	1	USD	F	0.00	0.00	0.00
191002001	2012	1	USD	F	0.00	0.00	0.00
191002065	2012	1	USD	F	0.00	0.00	0.00
210002000	2012	1	USD	F	0.00	8112.35	8112.35
210002001	2012	1	USD	F	0.00	0.00	0.00
210002065	2012	1	USD	F	0.00	0.00	0.00
211002000	2012	1	USD	F	0.00	0.00	0.00
211002001	2012	1	USD	F	0.00	0.00	0.00
211002065	2012	1	USD	F	0.00	0.00	0.00
220002000	2012	1	USD	F	0.00	3444.92	3444.92
220002001	2012	1	USD	F	0.00	0.00	0.00
220002065	2012	1	USD	F	0.00	0.00	0.00
221002000	2012	1	USD	F	0.00	0.00	0.00
221002001	2012	1	USD	F	0.00	0.00	0.00
221002065	2012	1	USD	F	0.00	0.00	0.00
230002000	2012	1	USD	F	0.00	0.00	0.00
230002001	2012	1	USD	F	0.00	0.00	0.00
230002065	2012	1	USD	F	0.00	0.00	0.00
240002000	2012	1	USD	F	0.00	6286.76	6286.76
240002001	2012	1	USD	F	0.00	0.00	0.00
240002065	2012	1	USD	F	0.00	0.00	0.00
241002000	2012	1	USD	F	0.00	0.00	0.00
241002001	2012	1	USD	F	0.00	0.00	0.00
241002065	2012	1	USD	F	0.00	0.00	0.00
290002000	2012	1	USD	F	0.00	0.00	0.00
290002001	2012	1	USD	F	0.00	0.00	0.00
290002065	2012	1	USD	F	0.00	0.00	0.00
290502000	2012	1	USD	F	0.00	0.00	0.00
290502001	2012	1	USD	F	0.00	0.00	0.00
290502065	2012	1	USD	F	0.00	0.00	0.00

Fiscal_Sets

291002000	2012	1	USD	F	0.00	0.00	0.00
291002001	2012	1	USD	F	0.00	0.00	0.00
291002065	2012	1	USD	F	0.00	0.00	0.00
310102000	2012	1	USD	F	0.00	9629.28	9629.28
310102001	2012	1	USD	F	0.00	0.00	0.00
310102065	2012	1	USD	F	0.00	0.00	0.00
320202000	2012	1	USD	F	0.00	0.00	0.00
320202001	2012	1	USD	F	0.00	0.00	0.00
320202065	2012	1	USD	F	0.00	0.00	0.00
330102000	2012	1	USD	F	0.00	3379.16	3379.16
332302000	2012	1	USD	F	0.00	0.00	0.00
332302001	2012	1	USD	F	0.00	0.00	0.00
332302065	2012	1	USD	F	0.00	0.00	0.00
340102000	2012	1	USD	F	0.00	0.00	0.00
340302000	2012	1	USD	F	0.00	20317.64	20317.64
350302000	2012	1	USD	F	0.00	3122.96	3122.96
350302001	2012	1	USD	F	0.00	0.00	0.00
350302065	2012	1	USD	F	0.00	0.00	0.00
360102000	2012	1	USD	F	0.00	0.00	0.00
360302000	2012	1	USD	F	0.00	0.00	0.00
360302065	2012	1	USD	F	0.00	0.00	0.00
410002000	2012	1	USD	F	0.00	19000.00	9500.00
410002001	2012	1	USD	F	0.00	0.00	0.00
410002065	2012	1	USD	F	0.00	0.00	0.00
420002000	2012	1	USD	F	0.00	0.00	15750.00
420002001	2012	1	USD	F	0.00	0.00	0.00
420002065	2012	1	USD	F	0.00	0.00	0.00
430002000	2012	1	USD	F	0.00	0.00	8000.00
430002001	2012	1	USD	F	0.00	0.00	0.00
430002065	2012	1	USD	F	0.00	0.00	0.00
431502000	2012	1	USD	F	0.00	0.00	19875.00
431502001	2012	1	USD	F	0.00	0.00	0.00
431502065	2012	1	USD	F	0.00	0.00	0.00
440002000	2012	1	USD	F	0.00	0.00	10050.00
440002001	2012	1	USD	F	0.00	0.00	0.00
440002065	2012	1	USD	F	0.00	0.00	0.00
443002000	2012	1	USD	F	0.00	0.00	0.00
443002001	2012	1	USD	F	0.00	0.00	0.00
443002065	2012	1	USD	F	0.00	0.00	0.00
470002000	2012	1	USD	F	0.00	0.00	4000.00
470002065	2012	1	USD	F	0.00	0.00	0.00
520002000	2012	1	USD	F	0.00	0.00	1000.00
520002001	2012	1	USD	F	0.00	0.00	0.00
520002065	2012	1	USD	F	0.00	0.00	0.00
521002000	2012	1	USD	F	0.00	0.00	300.00
521002001	2012	1	USD	F	0.00	0.00	0.00
521002065	2012	1	USD	F	0.00	0.00	0.00
530002000	2012	1	USD	F	0.00	0.00	2100.00
530002001	2012	1	USD	F	0.00	0.00	0.00
530002065	2012	1	USD	F	0.00	0.00	0.00
540002000	2012	1	USD	F	0.00	27250.00	8175.00
540002001	2012	1	USD	F	0.00	0.00	0.00

Fiscal_Sets

540002065	2012	1	USD	F	0.00	0.00	0.00
550002000	2012	1	USD	F	0.00	0.00	5030.00
550002001	2012	1	USD	F	0.00	0.00	0.00
550002065	2012	1	USD	F	0.00	0.00	0.00
550102000	2012	1	USD	F	2250.00	2250.00	4050.00
550102001	2012	1	USD	F	0.00	0.00	0.00
550102065	2012	1	USD	F	0.00	0.00	0.00
550502000	2012	1	USD	F	0.00	0.00	3443.00
550502001	2012	1	USD	F	0.00	0.00	0.00
550502065	2012	1	USD	F	0.00	0.00	0.00
560002000	2012	1	USD	F	4500.00	4500.00	4500.00
560002001	2012	1	USD	F	0.00	0.00	0.00
560002065	2012	1	USD	F	0.00	0.00	0.00
560102000	2012	1	USD	F	0.00	0.00	0.00
560102001	2012	1	USD	F	0.00	0.00	0.00
560102065	2012	1	USD	F	0.00	0.00	0.00
560502000	2012	1	USD	F	4833.33	4833.33	4833.33
560502001	2012	1	USD	F	0.00	0.00	0.00
560502065	2012	1	USD	F	0.00	0.00	0.00
561002000	2012	1	USD	F	0.00	0.00	0.00
561002001	2012	1	USD	F	0.00	0.00	0.00
561002065	2012	1	USD	F	0.00	0.00	0.00
580002000	2012	1	USD	F	4475.00	4475.00	8055.00
580002001	2012	1	USD	F	0.00	0.00	0.00
580002065	2012	1	USD	F	0.00	0.00	0.00
580302000	2012	1	USD	F	708.33	708.33	708.33
580502000	2012	1	USD	F	4980.00	4980.00	16600.00
580502001	2012	1	USD	F	0.00	0.00	0.00
580502065	2012	1	USD	F	0.00	0.00	0.00
581002000	2012	1	USD	F	3250.00	3250.00	5850.00
581002001	2012	1	USD	F	0.00	0.00	0.00
581002065	2012	1	USD	F	0.00	0.00	0.00
581502000	2012	1	USD	F	100.00	100.00	180.00
581502001	2012	1	USD	F	0.00	0.00	0.00
581502065	2012	1	USD	F	0.00	0.00	0.00
582002000	2012	1	USD	F	150.00	150.00	270.00
582002001	2012	1	USD	F	0.00	0.00	0.00
582002065	2012	1	USD	F	0.00	0.00	0.00
589002000	2012	1	USD	F	0.00	0.00	0.00
589102000	2012	1	USD	F	0.00	0.00	21903.00
589902000	2012	1	USD	F	0.00	0.00	0.00
590002000	2012	1	USD	F	3937.27	3937.27	3937.27
590002001	2012	1	USD	F	0.00	0.00	0.00
590002065	2012	1	USD	F	0.00	0.00	0.00
599902000	2012	1	USD	F	0.00	0.00	0.00
599902001	2012	1	USD	F	0.00	0.00	0.00
599902065	2012	1	USD	F	0.00	0.00	0.00
690002000	2012	1	USD	F	0.00	0.00	0.00
700002000	2012	1	USD	F	0.00	0.00	0.00
700002001	2012	1	USD	F	0.00	0.00	0.00
700002065	2012	1	USD	F	0.00	0.00	0.00
701002000	2012	1	USD	F	0.00	0.00	0.00

Fiscal_Sets

701002065	2012	1	USD	F	0.00	0.00	0.00
743802000	2012	1	USD	F	0.00	0.00	0.00
750002000	2012	1	USD	F	0.00	0.00	0.00
801502000	2012	1	USD	F	0.00	0.00	0.00
801902000	2012	1	USD	F	0.00	0.00	(9852.00)
809602000	2012	1	USD	F	0.00	(16710.84)	(33421.69)
818102000	2012	1	USD	F	0.00	0.00	0.00
818102065	2012	1	USD	F	0.00	0.00	0.00
822002000	2012	1	USD	F	0.00	0.00	0.00
829002000	2012	1	USD	F	0.00	0.00	0.00
829002001	2012	1	USD	F	0.00	0.00	0.00
829102001	2012	1	USD	F	0.00	0.00	0.00
829202002	2012	1	USD	F	0.00	0.00	0.00
829302003	2012	1	USD	F	0.00	0.00	0.00
829402004	2012	1	USD	F	0.00	0.00	0.00
829502005	2012	1	USD	F	0.00	0.00	0.00
829902000	2012	1	USD	F	0.00	0.00	0.00
829902001	2012	1	USD	F	0.00	0.00	0.00
829902065	2012	1	USD	F	0.00	0.00	0.00
831102000	2012	1	USD	F	0.00	0.00	0.00
831102065	2012	1	USD	F	0.00	0.00	0.00
843402000	2012	1	USD	F	0.00	0.00	0.00
848002000	2012	1	USD	F	0.00	0.00	0.00
852002000	2012	1	USD	F	0.00	0.00	0.00
856002000	2012	1	USD	F	0.00	0.00	(14852.50)
859002000	2012	1	USD	F	0.00	0.00	0.00
859002065	2012	1	USD	F	0.00	0.00	0.00
859102000	2012	1	USD	F	0.00	0.00	0.00
859202000	2012	1	USD	F	0.00	0.00	0.00
859902000	2012	1	USD	F	0.00	0.00	0.00
859902065	2012	1	USD	F	0.00	0.00	0.00
866002000	2012	1	USD	F	0.00	0.00	0.00
879202000	2012	1	USD	F	0.00	0.00	0.00
898002000	2012	1	USD	F	0.00	0.00	(1100.00)
898202000	2012	1	USD	F	0.00	0.00	0.00
898302000	2012	1	USD	F	0.00	0.00	0.00
898402000	2012	1	USD	F	0.00	0.00	0.00
898502000	2012	1	USD	F	0.00	0.00	(300.00)
898602000	2012	1	USD	F	0.00	0.00	0.00
898902000	2012	1	USD	F	0.00	0.00	0.00
899902000	2012	1	USD	F	0.00	0.00	0.00
899902065	2012	1	USD	F	0.00	0.00	0.00

Fiscal_Sets

NETPERD4	NETPERD5	NETPERD6	NETPERD7	NETPERD8	NETPERD9	NETPERD10
112328.02	112328.02	112328.02	112328.02	112328.02	112328.02	112328.02
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
368.18	368.18	368.18	368.18	368.18	368.18	368.18
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
7511.50	7511.50	7511.50	7511.50	7511.50	7602.00	7602.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
8112.35	8112.35	8112.35	8112.35	8112.35	8112.35	8112.35
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
3444.92	3444.92	3444.92	3444.92	3444.92	3444.92	3444.92
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
6286.76	6286.76	6286.76	6286.76	6286.76	6286.76	6286.76
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal_Sets

0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
9629.28	9629.28	9629.28	9629.28	9629.28	9629.28	9629.28
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
3379.16	3379.16	3379.16	3379.16	3379.16	3379.16	3379.16
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
20317.64	20317.64	20317.64	20317.64	20317.64	20317.64	20317.64
3122.96	3122.96	3122.96	3122.96	3122.96	3122.96	3122.96
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
4750.00	4750.00	9500.00	19000.00	9500.00	9500.00	9500.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
5250.00	5250.00	5250.00	5250.00	5250.00	5250.00	5250.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
6000.00		0.00	6000.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
6625.00	6625.00	6625.00	6625.00	6625.00	6625.00	6625.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
3350.00	3350.00	6700.00	1675.00	1675.00	1675.00	1675.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
4000.00	4000.00	4000.00	4000.00	4000.00	4000.00	4000.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
500.00	500.00	0.00	1000.00	5000.00	1000.00	1000.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
100.00	100.00	100.00	100.00	100.00	100.00	100.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
700.00	700.00	700.00	700.00	700.00	700.00	700.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
8175.00	8175.00	8175.00	8175.00	8175.00	8175.00	8175.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal_Sets

0.00	0.00	0.00	0.00	0.00	0.00	0.00
5030.00	5030.00	5030.00	5030.00	5030.00	5030.00	5030.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
4050.00	4050.00	4050.00	4050.00	4050.00	4050.00	4050.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
3443.00	3443.00	3443.00	3443.00	3443.00	3443.00	3443.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
4500.00	4500.00	4500.00	4500.00	4500.00	4500.00	4500.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
4833.33	4833.33	4833.33	4833.33	4833.33	4833.33	4833.33
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
8055.00	8055.00	8055.00	8055.00	8055.00	8055.00	8055.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
708.33	708.33	708.33	708.33	708.33	708.33	708.33
16600.00	4980.00	4980.00	4980.00	4980.00	4980.00	4980.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
5850.00	5850.00	5850.00	5850.00	5850.00	5850.00	5850.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.00	180.00	180.00	180.00	180.00	180.00	180.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
270.00	270.00	270.00	270.00	270.00	270.00	270.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
5608.00	6246.00	17107.95	0.00	0.00	6033.75	6033.75
0.00	0.00	0.00	0.00	0.00	0.00	0.00
17690.00	3937.27	3937.27	3937.27	3937.27	3937.27	3937.27
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal_Sets

0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	19070.93	0.00	0.00	0.00
(288005.08)	0.00	(218369.48)	(218369.48)	(609736.12)	(19653.25)	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
(22281.13)	(22281.13)	(22281.13)	(22281.13)	(22281.13)	(38991.97)	(19495.99)
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
(4705.40)	(4705.40)	(4705.40)	(4705.40)	(4705.40)	(4705.40)	(4705.40)
0.00	0.00	0.00	0.00	(64019.00)	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	(31856.00)	0.00	0.00	0.00	(31856.00)	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	(25971.75)	0.00	(77915.25)	0.00
(27336.56)	0.00	(20726.96)	(20726.96)	(57874.28)	(1865.43)	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	(14852.50)	0.00	0.00	(14852.50)	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	(20250.00)	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
(1100.00)	(1100.00)	(1100.00)	(1100.00)	(1100.00)	(1100.00)	(1100.00)
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
(300.00)	(300.00)	(300.00)	(300.00)	(300.00)	(300.00)	(300.00)
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal_Sets

NETPERD11	NETPERD12
112328.02	112328.02
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
368.18	368.18
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
7602.00	7602.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
8112.35	8112.35
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
3444.92	3444.92
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
6286.76	6286.76
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00

Directions:

Once this tab is ready (see series check below), right click on the tab, choos
Then highlight the whole data series (currently A1:Q201), copy, choose cell

Also note that red cells are hard-coded tied to certain rows of the cash

Series Check

All should be "100.00%", if not then this sheet isn't probably capturing what i

100.00%

Fiscal_Sets

0.00	0.00	
0.00	0.00	
0.00	0.00	100.00%
9629.28	9629.28	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
3379.16	3379.16	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
20317.64	20317.64	
3122.96	3122.96	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	100.00%
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
1675.00	1675.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
4000.00	4000.00	
0.00	0.00	100.00%
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
8175.00	8175.00	
0.00	0.00	

0.00	0.00	
5030.00	5030.00	
0.00	0.00	
0.00	0.00	
4050.00	4050.00	
0.00	0.00	
0.00	0.00	
3443.00	3443.00	
0.00	0.00	
0.00	0.00	
4500.00	4500.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
4833.33	4833.33	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
8055.00	8055.00	
0.00	0.00	
0.00	0.00	
708.33	708.33	
4980.00	4980.00	
0.00	0.00	
0.00	0.00	
5850.00	5850.00	
0.00	0.00	
0.00	0.00	
180.00	180.00	
0.00	0.00	
0.00	0.00	
270.00	270.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
6033.75	6033.75	
0.00	0.00	
3937.27	3937.27	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	100%
0.00	0.00	#DIV/0!
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	

0.00	0.00	
0.00	0.00	
0.00	5192.34	100.00%
(122529.54)	(949664.61)	
0.00	0.00	
(19495.99)	(38991.97)	
0.00	0.00	
0.00	0.00	100%
(4705.40)	(4705.40)	
0.00	0.00	
0.00	0.00	
0.00	(15928.00)	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	Federal / 8200 only:
0.00	0.00	100%
0.00	0.00	
0.00	0.00	
0.00	0.00	
(11630.13)	(90139.25)	
0.00	0.00	
0.00	(14852.50)	
0.00	0.00	
0.00	0.00	
(20250.00)	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
(1100.00)	(1100.00)	
0.00	0.00	
0.00	0.00	
0.00	0.00	
(300.00)	(300.00)	
0.00	0.00	
0.00	0.00	
0.00	0.00	Local and State:
0.00	0.00	100.00%

se "Move or Copy", check the box "create a copy", move to a "(new book)"
A1 of the new workbook, then choose "Paste Special", choose "Paste Values", then save this file as an Ex

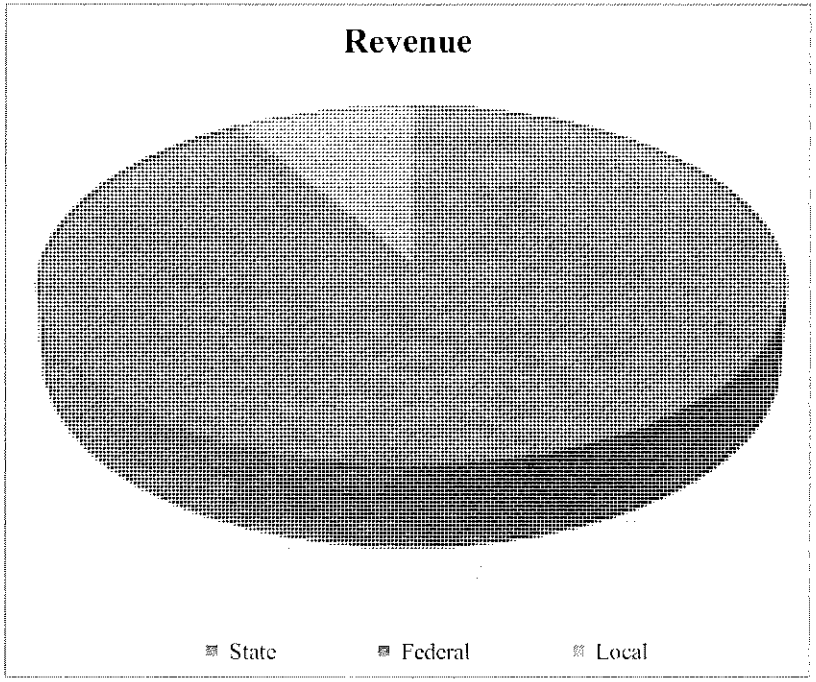
flow tab, may need to be modified

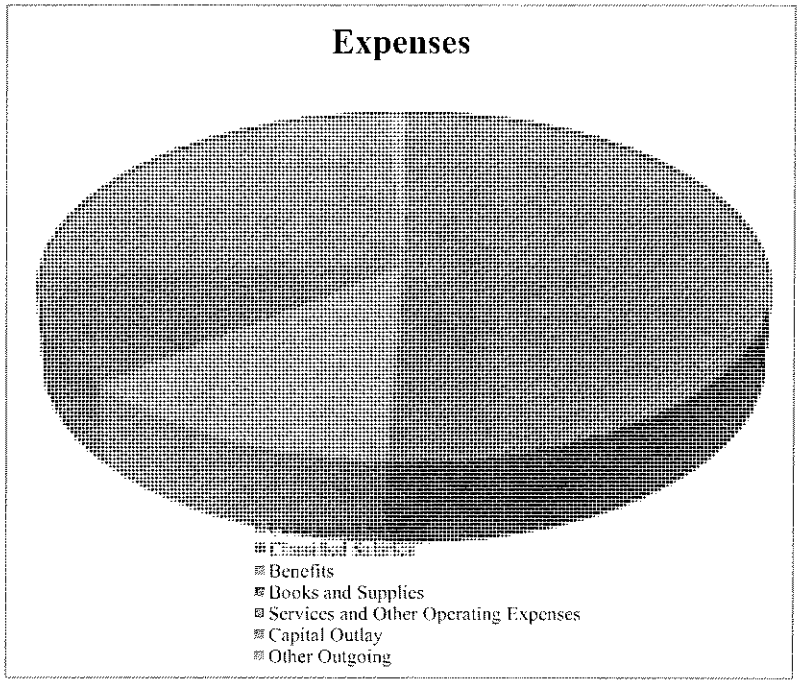
s in the cash flow tab

:cel 97-2003 workbook, then erase column S.

Long Valley Charter
Revenue and Expense Graphs
2011/12 School Year

Long Valley





Revenue

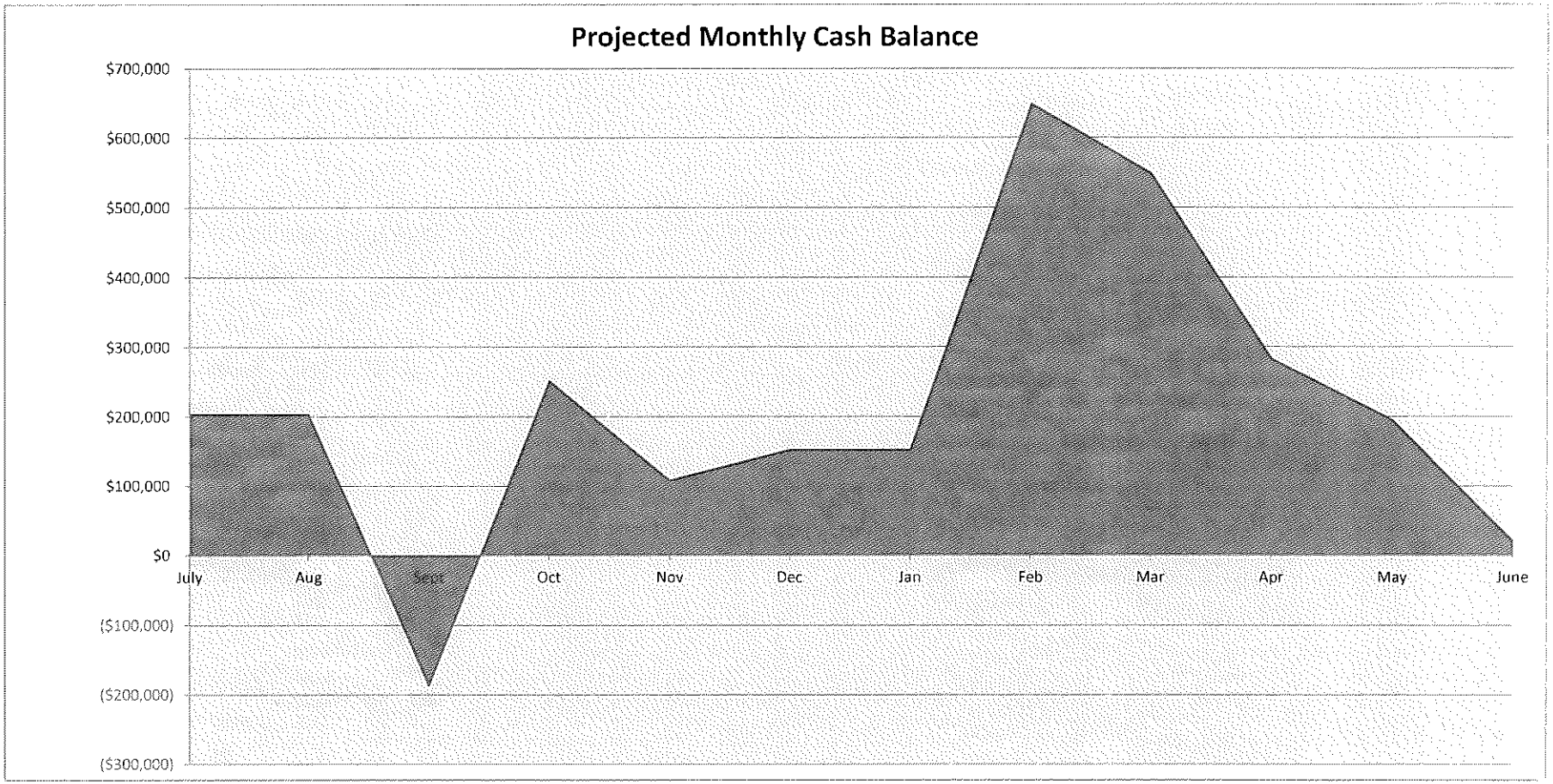
State	Federal	Local
2,870,276.12	190,713.00	292,514.08

Expenses

Certificated Salaries	Classified Salaries	Benefits	Books and Supplies	nd Other Operating	Capital Outlay	Other Outgoing
1,330,158.21	196,284.29	#########	307,250.00	755,730.00		24,263.28

Long Valley Charter
Monthly Cash Flow Projection Graph
2011/12 School Year

Long Valley



	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Projected Monthly Cash Balance	$203,359	$203,876	($187,423)	$252,102	$108,106	$152,470	$152,435	$649,532	$549,375	$283,580	$195,369	$21,640

Long Valley Charter
Employee Inputs
SITE 2 NAME

Instructions: This tab is for Site 2 (or department) employees. These employee input tabs are designed to model out 'typical' employee compensation. Unusual compensation programs may require modification to the structure or formulas. Usually, you should only have to modify the red input items and copy down the black formulas from row 7 to match how many employees you have. The SACS code per employee in column B is essential. Please do not add or erase whole rows - the below can handle 50 employees. Summary information is shown in rows 58 through 60. Feel free to erase this text box for cleaner

8.25% = STRS empl 10.71% = PERS empl 7.65% = OASDI and 1.45% = Medicare er

SACS	Full Name	Title	Departme	FTE	Salary Rate	**Total Salary**	Bonus and Stipends	Overtime	**Total Direct Compensation**	Retirement System for Employee	3101 STRS, certificated	3102 STRS, classif	3201 PERS, certifi	3202 PERS, classif	3301 OASDI, certi	3302 OASDI, class
						-			-						-	
Totals	-			-		-	-	-	-		-	-	-	-	-	-
Teachers Only				-		-	-	-	-		-	-	-	-	-	-

ong Valley C

mployee Inputs Medicare emp = Default monthly employer health expense = State Unemp 1.60% = Workers' Comp em STD, GTL, LTD, AD&D

ITE 2 NAME nployer rate

SACS Full Name	Monthly Health Rate	3401 Health, certificat	3402 Health, classified	3501 SUI, certificated	3502 SUI, classified	3601 Workers' Comp, certi	3602 Workers' Comp, clas	3901 Other Benefits, certific	3902 Other Benefits, clas	**Total Benefits**	**Total Compensation**
	-	-		-		-		-		-	-
Totals -	-	-	-	-	-	-	-	-	-	-	-
Teachers Only	-	-	-	-	-	-	-	-	-	-	-

Long Valley Charter
Employee Inputs
SITE 3 NAME

Instructions: This tab is for Site 3 (or department) employees. These employee input tabs are designed to model out 'typical' employee compensation. Unusual compensation programs may require modification to the structure or formulas. Usually, you should only have to modify the red input items and copy down the black formulas from row 7 to match how many employees you have. The SACS code per employee in column B is essential. Please do not add or erase whole rows - the below can handle 50 employees. Summary information is shown in rows 58 through 60. Feel free to erase this text box for cleaner

8.25% = STRS empl 10.71% = PERS empl 7.65% = OASDI and 1.45% = Medicare er

SACS	Full Name Title	Departme	FTE	Salary Rate	**Total Salary**	Bonus and Stipends	Overtime	**Total Direct Compensation**	Retirement System for Employee	3101 STRS, certificated	3102 STRS, classif	3201 PERS, certifi	3202 PERS, classif	3301 OASDI, certi	3302 OASDI, class
					-			-						-	
Totals	-		-		-	-	-	-		-	-	-	-	-	-
Teachers Only			-		-	-	-	-		-	-	-	-	-	-

ong Valley C

mployee Inputs Medicare emp = Default monthly employer health expense = State Unemp 1.60% = Workers' Comp em STD, GTL, LTD, AD&D

ITE 3 NAME nployer rate

SACS Full Name	Monthly Health Rate	3401 Health, certificat	3402 Health, classified	3501 SUI, certificated	3502 SUI, classified	3601 Workers' Comp, certif	3602 Workers' Comp, clas	3901 Other Benefits, certific	3902 Other Benefits, clas	**Total Benefits**	**Total Compensation**
	-	-		-		-		-		-	-
Totals -	-	-	-	-	-	-	-	-	-	-	-
Teachers Only	-	-	-	-	-	-	-	-	-	-	-

Long Valley Charter
Employee Inputs
SITE 5 NAME

Instructions: This tab is for Site 5 (or department) employees. These employee input tabs are designed to model out 'typical' employee compensation. Unusual compensation programs may require modification to the structure or formulas. Usually, you should only have to modify the red input items and copy down the black formulas from row 7 to match how many employees you have. The SACS code per employee in column D is essential. Please do not add or erase whole rows - the below can handle 50 employees. Summary information is shown in rows 58 through 60. Feel free to erase this text box for cleaner

8.25% = STRS empl 10.71% = PERS empl 7.65% = OASDI and
1.45% = Medicare er

SACS	Full Name	Title	Departme	FTE	Salary Rate	**Total Salary**	Bonus and Stipends	Overtime	**Total Direct Compensation**	Retirement System for Employee	3101 STRS, certificated	3102 STRS, classif	3201 PERS, certifi	3202 PERS, classif	3301 OASDI, certi	3302 OASDI, class
						-			-						-	
Totals	-			-		-	-	-	-		-	-	-	-	-	-
Teachers Only				-		-	-	-	-		-	-	-	-	-	-

ong Valley C

mployee Inputs Medicare em = Default monthly employer health expense = State Unemp 1.60% = Workers' Comp em STD, GTL, LTD, AD&D

ITE 5 NAME nployer rate

SACS Full Name	Monthly Health Rate	3401 Health, certificat	3402 Health, classified	3501 SUI, certificated	3502 SUI, classified	3601 Workers' Comp, certif	3602 Workers' Comp, clas	3901 Other Benefits, certific	3902 Other Benefits, clas	**Total Benefits**	**Total Compensation**
	-	-		-		-		-		-	-
Totals -	-	-	-	-	-	-	-	-	-	-	-
Teachers Only	-	-	-	-	-	-	-	-	-	-	-

Long Valley Charter
SITE 2 NAME
Monthly Cash Flow Projections
2011/12 School Year

	SAC Code Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Revenue																	
State																	
8015	General Purpose, grades K-3; state aid portion																
8015	General Purpose, grades 4-6; state aid portion	-	-	-	39,356	-	29,840	29,840	83,321	2,686	-	16,744	5,404	-	73,540	50,828	98.68%
8015	General Purpose, grades 7-8; state aid portion	-	-	-	26,832	-	20,345	20,345	56,807	1,831	-	11,416	3,685	-	50,138	34,654	65.79%
8015	General Purpose, grades 9-12; state aid portion																
8019	Prior Year Income / Adjustments																
8181	Special Education																
8434	Class Size Reduction, K-3																
8480	Categorical Block Grant	-	-	-	5,702	-	4,324	4,324	12,072	389	-	2,426	783	-	10,655	7,364	25.14%
8480	Economic Impact	-	-	-	1,136	-	861	861	2,405	78	-	483	156	-	2,123	1,467	24.39%
8560	Lottery			3,734			3,734			3,734			3,734				25.14%
8520	State Child Nutrition program																
8591	SB 740 Rent re-imbursement program																
8592	Art and Music Block grant																
8590	New School Block Grant Supplement																
8590	Other State funding program																
	Subtotal	$ -	$ -	$ 3,734.38	$73,026.79	$ -	$59,104.31	$55,369.94	#########	$ 8,717.67	$ -	$31,068.69	$13,762.49	$ -	#########	$94,313.46	
Federal																	
8220	Federal Child Nutrition Programs																
8290	All Other Federal Revenue, inc Facilities Incentr																
8291	Title I					7,964				7,964			3,982				25.00%
8292	Title II																
8293	Title III																
8294	Title IV																
8295	Title V																
8296	Title V, B; PCSGP grant																
	Subtotal	$ -	$ -	$ -	$ -	$ 7,964.00	$ -	$ -	$ -	$ 7,964.00	$ -	$ -	$ 3,982.00	$ -	$ -	$ -	
Local																	
8096	In-Lieu of Property Taxes, K-3																
8096	In-Lieu of Property Taxes, 4-6		2,532	5,063	3,375	3,375	3,375	3,375	3,375	5,907	2,953	2,953	2,953	2,953			98.68%
8096	In-Lieu of Property Taxes, 7-8		1,670	3,340	2,227	2,227	2,227	2,227	2,227	3,897	1,948	1,948	1,948	1,948			65.79%
8096	In-Lieu of Property Taxes, 9-12																
8660	Interest																
8782	All Other Transfers from County Offices																
8784	All Other Transfers from Other Locations																
8785	CMO Management fee																
8792	Transfers of Apportionments from County Office																
8980	Student Lunch Revenue																
8981	Unrestricted Contributions																
8982	Foundation Grants																
8983	Miscellaneous																
8984	Student Body (ASB) Fundraising Revenue																
8985	School Site Fundraising																
	Subtotal	$ -	$ 4,201.62	$ 8,403.24	$ 5,602.16	$ 5,602.16	$ 5,602.16	$ 5,602.16	$ 5,602.16	$ 9,803.78	$ 4,901.89	$ 4,901.89	$ 4,901.89	$ 4,901.89	$ -	$ -	
Total		$ -	$ 4,201.62	$12,137.62	$78,628.95	$13,566.16	$64,706.47	$60,972.10	#########	$26,485.45	$ 4,901.89	$35,970.58	$22,646.38	$ 4,901.89	#########	$94,313.46	
Expenses																	
Certificated Salaries																	
1100	Teachers' Salaries		-	-	-	-	-	-	-	-	-	-	-				

Cash Flow $s Site 2

1105	Teachers' Bonuses												-			
1120	Substitute Expense		-	-	-	-	-	-	-	-	-	-	-			
1200	Certificated Pupil Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
1300	Certificated Supervisor and Administrator Salari	-	-	-	-	-	-	-	-	-	-	-	-			
1305	Certificated Supervisor and Administrator Bonus												-			
1900	Other Certificated Salaries	-	-	-	-	-	-	-	-	-	-	-	-			
1910	Other Certificated Overtime	-	-	-	-	-	-	-	-	-	-	-	-			
1000	**Subtotal**															
	Classified Salaries															
2100	Instructional Aide Salaries		-	-	-	-	-	-	-	-	-	-	-			
2110	Instructional Aide Overtime		-	-	-	-	-	-	-	-	-	-	-			
2200	Classified Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
2210	Classified Support Overtime		-	-	-	-	-	-	-	-	-	-	-			
2300	Classified Supervisor and Administrator Salaries		-	-	-	-	-	-	-	-	-	-	-			
2400	Clerical, Technical, and Office Staff Salaries		-	-	-	-	-	-	-	-	-	-	-			
2410	Clerical, Technical, and Office Staff Overtime		-	-	-	-	-	-	-	-	-	-	-			
2900	Other Classified Salaries		-	-	-	-	-	-	-	-	-	-	-			
2905	Other Stipends		-	-	-	-	-	-	-	-	-	-	-			
2910	Other Classified Overtime		-	-	-	-	-	-	-	-	-	-	-			
2000	**Subtotal**															
	Employee Benefits															
3101	State Teachers' Retirement System, certificated p		-	-	-	-	-	-	-	-	-	-	-			
3102	State Teachers' Retirement System, classified pos		-	-	-	-	-	-	-	-	-	-	-			
3201	Public Employees' Retirement System, certificate		-	-	-	-	-	-	-	-	-	-	-			
3202	Public Employees' Retirement System, classified		-	-	-	-	-	-	-	-	-	-	-			
3301	OASDI/Medicare/Alternative, certificated positi		-	-	-	-	-	-	-	-	-	-	-			
3302	OASDI/Medicare/Alternative, classified position		-	-	-	-	-	-	-	-	-	-	-			
3401	Health & Welfare Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3402	Health & Welfare Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3501	State Unemployment Insurance, certificated posi		-	-	-	-	-	-	-	-	-	-	-			
3502	State Unemployment Insurance, classified positi		-	-	-	-	-	-	-	-	-	-	-			
3601	Worker Compensation Insurance, certificated po		-	-	-	-	-	-	-	-	-	-	-			
3602	Worker Compensation Insurance, classified posi		-	-	-	-	-	-	-	-	-	-	-			
3901	Other Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3902	Other Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3000	**Subtotal**															
	Books and Supplies															
4100	Approved Textbooks and Core Curricula Materia		-	-	-	-	-	-	-	-	-					
4200	Books and Other Reference Materials			-	-	-	-	-	-	-	-					
4300	Materials and Supplies			-	-			-								
4315	Classroom Materials and Supplies			-	-	-	-	-	-	-	-					
4305	Postage	-	-	-	-	-	-	-	-	-	-	-	-			
4307	Printing & Copying Expense	-	-	-	-	-	-	-	-	-	-	-	-			
4310	Messenger	-	-	-	-	-	-	-	-	-	-	-	-			
4400	Noncapitalized Equipment			-	-	-	-	-	-	-	-	-	-			
4405	Non Educational Computer Software			-	-	-	-	-	-	-	-					
4407	Student Educational Computer Software		-	-	-			-	-							
4410	Computer Hardware			-				-								
4415	Student Band/Drama Equipment			-				-								
4420	Student Athletic Equipment			-				-								
4430	General Student Equipment			-				-								
4440	Student Events			-	-	-	-	-	-	-	-	-	-			
4700	School District Food			-	-	-	-	-	-	-	-	-	-			
4701	Non School District Food			-	-	-	-	-	-	-	-	-	-			
4702				-	-	-	-	-	-	-	-	-	-			
4000	**Subtotal**															
	Services and Other Operating Expenses															
5200	Travel and Conferences			-	-	-	-	-	-	-	-					
5210	Training and Development Expense			-	-	-	-	-	-	-	-					
5300	Dues and Memberships			-	-	-	-	-	-	-	-					
5400	Insurance		-	-	-	-	-	-	-	-	-	-	-			
5450	Property Tax Expense			-				-								
5500	Operation and Housekeeping Services/Supplies			-	-	-	-	-	-	-	-	-	-			

Cash Flow $s Site 2

5501	Utilities	-	-	-	-	-	-	-	-	-	-	-	-			
5505	Student Transportation			-	-	-	-	-	-	-	-	-	-			
5600	Space Rental/Leases Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5601	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-			
5605	Equipment Rental/Lease Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5800	Professional/Consulting Services and Operating	-	-	-	-	-	-	-	-	-	-	-	-			
5803	Banking and Payroll Service Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5805	Legal Services	-	-	-	-	-	-	-	-	-	-	-	-			
5810	Educational Consultants	-	-	-	-	-	-	-	-	-	-	-	-			
5815	Advertising / Recruiting	-	-	-	-	-	-	-	-	-	-	-	-			
5820	Fundraising Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5890	Interest Expense / Misc. Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5891	Charter School Capital Fees			-	-	-	-			-	-	-	-			
5899	CMO Management Fee			-	-	-	-	-	-	-	-	-	-			
5900	Communications	-	-	-	-	-	-	-	-	-	-	-	-			
5901		-	-	-	-	-	-	-	-	-	-	-	-			
5902				-	-	-	-	-	-	-	-	-	-			
5903		-	-	-	-	-	-	-	-	-	-	-	-			
5000	**Subtotal**															
	Capital Outlay															
6100	Land		-	-												
6170	Land Improvements		-	-												
6200	Buildings and Improvements of Buildings	-	-	-												
6300	Books and Media for New School Libraries or M			-				-								
6400	Equipment	-	-	-												
6500	Equipment Replacement	-	-	-												
6900	Depreciation Expense	-	-	-												
6000	**Subtotal**															
	Other Outgoing															
7000	Miscellaneous Expense		-	-	-	-	-	-	-	-	-	-	-			
7010	Special Education Encroachment			-	-	-	-	-	-	-	-	-	-			
7299	All Other Transfers to Other Locations								-	-	-	-				
7300				-	-	-	-	-	-	-	-	-	-			
7301				-	-	-	-	-	-	-	-	-	-			
7302	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7303	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7438	Debt Service - Interest			-	-	-	-	-	-	-	-	-	-			
7500	District Oversight Fee							-					-			
7000	**Subotal**															
Total Expenses																
	Additional items needed for cash flow															
	Cash balance at previous year end	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Receivable	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Payable	-	-	-	-	-	-	-	-	-	-	-	-			
	Loan Principal Payable - Allied	-	-	-	-	-	-	-	-	-	-	-	-			
	Subotal	-	-	-	-	-	-	-	-	-	-	-	-			

Monthly Operating Surplus / (Deficit)	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Total Monthly Surplus / (Deficit)	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Projected Monthly Cash Balance	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

Long Valley Charter
SITE 3 NAME
Monthly Cash Flow Projections
2011/12 School Year

SAC Code	Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Revenue																	
State																	
8015	General Purpose, grades K-3: state aid portion																
8015	General Purpose, grades 4-6: state aid portion																
8015	General Purpose, grades 7-8: state aid portion																
8015	General Purpose, grades 9-12: state aid portion	-	-	-	62,573	-	47,444	47,444	132,473	4,270	-	26,621	8,593	-	116,922	80,812	100.00%
8019	Prior Year Income / Adjustments																
8181	Special Education																
8434	Class Size Reduction, K-3																
8480	Categorical Block Grant	-	-	-	4,485	-	3,401	3,401	9,496	306	-	1,908	616	-	8,381	5,793	100.00%
8480	Economic Impact	-	-	-	3,256	-	2,469	2,469	6,894	222	-	1,385	447	-	6,085	4,206	100.00%
8560	Lottery			2,938			2,938			2,938			2,938				100.00%
8520	State Child Nutrition program																
8591	SB 740 Rent re-imbursement program																
8592	Art and Music Block grant																
8590	New School Block Grant Supplement																
8590	Other State funding program																
	Subtotal	$ -	$ -	$ 2,937.50	$70,314.79	$ -	$56,251.16	$53,313.66	#########	$ 7,735.73	$ -	$29,914.89	$12,593.20	$ -	#########	$90,810.93	
Federal																	
8220	Federal Child Nutrition Programs																
8290	All Other Federal Revenue, inc Facilities Incenti																
8291	Title I					6,371				6,371			3,186				100.00%
8292	Title II																
8293	Title III																
8294	Title IV																
8295	Title V																
8296	Title V, B: PCSGP grant																
	Subtotal	$ -	$ -	$ -	$ -	$ 6,371.20	$ -	$ -	$ -	$ 6,371.20	$ -	$ -	$ 3,185.60	$ -	$ -	$ -	
Local																	
8096	In-Lieu of Property Taxes, K-3																
8096	In-Lieu of Property Taxes, 4-6																
8096	In-Lieu of Property Taxes, 7-8																
8096	In-Lieu of Property Taxes, 9-12		3,305	6,610	4,407	4,407	4,407	4,407	4,407	7,712	3,856	3,856	3,856	3,856			100.00%
8660	Interest																
8782	All Other Transfers from County Offices																
8784	All Other Transfers from Other Locations																
8785	CMO Management fee																
8792	Transfers of Apportionments from County Office																
8980	Student Lunch Revenue																
8981	Unrestricted Contributions																
8982	Foundation Grants																
8983	Miscellaneous																
8984	Student Body (ASB) Fundraising Revenue																
8985	School Site Fundraising																
	Subtotal	$ -	$ 3,305.04	$ 6,610.08	$ 4,406.72	$ 4,406.72	$ 4,406.72	$ 4,406.72	$ 4,406.72	$ 7,711.76	$ 3,855.88	$ 3,855.88	$ 3,855.88	$ 3,855.88	$ -	$ -	
Total		$ -	$ 3,305.04	$ 9,547.58	$74,721.51	$10,777.92	$60,657.88	$57,720.38	########	$21,818.69	$ 3,855.88	$33,770.77	$19,634.68	$ 3,855.88	#########	$90,810.93	
Expenses																	
Certificated Salaries																	
1100	Teachers' Salaries		-	-	-	-	-	-	-	-	-	-	-				

Cash Flow $s Site 3

1105	Teachers' Bonuses												-			
1120	Substitute Expense		-	-	-	-	-	-	-	-	-	-	-			
1200	Certificated Pupil Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
1300	Certificated Supervisor and Administrator Salari	-	-	-	-	-	-	-	-	-	-	-	-			
1305	Certificated Supervisor and Administrator Bonus												-			
1900	Other Certificated Salaries	-	-	-	-	-	-	-	-	-	-	-	-			
1910	Other Certificated Overtime	-	-	-	-	-	-	-	-	-	-	-	-			
1000	**Subtotal**															
	Classified Salaries															
2100	Instructional Aide Salaries		-	-	-	-	-	-	-	-	-	-	-			
2110	Instructional Aide Overtime		-	-	-	-	-	-	-	-	-	-	-			
2200	Classified Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
2210	Classified Support Overtime		-	-	-	-	-	-	-	-	-	-	-			
2300	Classified Supervisor and Administrator Salaries		-	-	-	-	-	-	-	-	-	-	-			
2400	Clerical, Technical, and Office Staff Salaries		-	-	-	-	-	-	-	-	-	-	-			
2410	Clerical, Technical, and Office Staff Overtime		-	-	-	-	-	-	-	-	-	-	-			
2900	Other Classified Salaries		-	-	-	-	-	-	-	-	-	-	-			
2905	Other Stipends		-	-	-	-	-	-	-	-	-	-	-			
2910	Other Classified Overtime		-	-	-	-	-	-	-	-	-	-	-			
2000	**Subtotal**															
	Employee Benefits															
3101	State Teachers' Retirement System, certificated p		-	-	-	-	-	-	-	-	-	-	-			
3102	State Teachers' Retirement System, classified pos		-	-	-	-	-	-	-	-	-	-	-			
3201	Public Employees' Retirement System, certificate		-	-	-	-	-	-	-	-	-	-	-			
3202	Public Employees' Retirement System, classified		-	-	-	-	-	-	-	-	-	-	-			
3301	OASDI/Medicare/Alternative, certificated positi		-	-	-	-	-	-	-	-	-	-	-			
3302	OASDI/Medicare/Alternative, classified position		-	-	-	-	-	-	-	-	-	-	-			
3401	Health & Welfare Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3402	Health & Welfare Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3501	State Unemployment Insurance, certificated posi		-	-	-	-	-	-	-	-	-	-	-			
3502	State Unemployment Insurance, classified positi		-	-	-	-	-	-	-	-	-	-	-			
3601	Worker Compensation Insurance, certificated po		-	-	-	-	-	-	-	-	-	-	-			
3602	Worker Compensation Insurance, classified posi		-	-	-	-	-	-	-	-	-	-	-			
3901	Other Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3902	Other Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3000	**Subtotal**															
	Books and Supplies															
4100	Approved Textbooks and Core Curricula Materia		-	-	-	-	-	-	-	-	-					
4200	Books and Other Reference Materials			-	-	-	-	-	-	-	-					
4300	Materials and Supplies			-	-			-								
4315	Classroom Materials and Supplies			-	-	-	-	-	-	-	-					
4305	Postage	-	-	-	-	-	-	-	-	-	-	-	-			
4307	Printing & Copying Expense	-	-	-	-	-	-	-	-	-	-	-	-			
4310	Messenger	-	-	-	-	-	-	-	-	-	-	-	-			
4400	Noncapitalized Equipment			-	-	-	-	-	-	-	-	-	-			
4405	Non Educational Computer Software			-	-	-	-	-	-	-	-					
4407	Student Educational Computer Software		-	-	-			-	-							
4410	Computer Hardware			-				-								
4415	Student Band/Drama Equipment			-				-								
4420	Student Athletic Equipment			-				-								
4430	General Student Equipment			-				-								
4440	Student Events			-	-	-	-	-	-	-	-	-	-			
4700	School District Food			-	-	-	-	-	-	-	-	-	-			
4701	Non School District Food			-	-	-	-	-	-	-	-	-	-			
4702				-	-	-	-	-	-	-	-	-	-			
4000	**Subtotal**															
	Services and Other Operating Expenses															
5200	Travel and Conferences			-	-	-	-	-	-	-	-					
5210	Training and Development Expense			-	-	-	-	-	-	-	-					
5300	Dues and Memberships			-	-	-	-	-	-	-	-					
5400	Insurance		-	-	-	-	-	-	-	-	-	-	-			
5450	Property Tax Expense			-				-								
5500	Operation and Housekeeping Services/Supplies			-	-	-	-	-	-	-	-	-	-			

Cash Flow $s Site 3

5501	Utilities	-	-	-	-	-	-	-	-	-	-	-	-			
5505	Student Transportation			-	-	-	-	-	-	-	-	-	-			
5600	Space Rental/Leases Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5601	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-			
5605	Equipment Rental/Lease Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5800	Professional/Consulting Services and Operating	-	-	-	-	-	-	-	-	-	-	-	-			
5803	Banking and Payroll Service Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5805	Legal Services	-	-	-	-	-	-	-	-	-	-	-	-			
5810	Educational Consultants	-	-	-	-	-	-	-	-	-	-	-	-			
5815	Advertising / Recruiting	-	-	-	-	-	-	-	-	-	-	-	-			
5820	Fundraising Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5890	Interest Expense / Misc. Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5891	Charter School Capital Fees			-	-	-	-			-	-	-	-			
5899	CMO Management Fee			-	-	-	-	-	-	-	-	-	-			
5900	Communications	-	-	-	-	-	-	-	-	-	-	-	-			
5901		-	-	-	-	-	-	-	-	-	-	-	-			
5902				-	-	-	-	-	-	-	-	-	-			
5903		-	-	-	-	-	-	-	-	-	-	-	-			
5000	**Subtotal**															
	Capital Outlay															
6100	Land		-	-												
6170	Land Improvements		-	-												
6200	Buildings and Improvements of Buildings	-	-	-												
6300	Books and Media for New School Libraries or M			-				-								
6400	Equipment	-	-	-												
6500	Equipment Replacement	-	-	-												
6900	Depreciation Expense	-	-	-												
6000	**Subtotal**															
	Other Outgoing															
7000	Miscellaneous Expense		-	-	-	-	-	-	-	-	-	-	-			
7010	Special Education Encroachment			-	-	-	-	-	-	-	-	-	-			
7299	All Other Transfers to Other Locations								-	-	-	-				
7300				-	-	-	-	-	-	-	-	-	-			
7301				-	-	-	-	-	-	-	-	-	-			
7302	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7303	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7438	Debt Service - Interest			-	-	-	-	-	-	-	-	-	-			
7500	District Oversight Fee							-					-			
7000	**Subotal**															
Total Expenses																
	Additional items needed for cash flow															
	Cash balance at previous year end	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Receivable	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Payable	-	-	-	-	-	-	-	-	-	-	-	-			
	Loan Principal Payable - Allied	-	-	-	-	-	-	-	-	-	-	-	-			
	Subotal	-	-	-	-	-	-	-	-	-	-	-	-			

Monthly Operating Surplus / (Deficit)	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Total Monthly Surplus / (Deficit)	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Projected Monthly Cash Balance	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

Long Valley Charter
SITE 4 NAME
Monthly Cash Flow Projections
2011/12 School Year

SAC Code	Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Revenue																	
State																	
8015	General Purpose, grades K-3: state aid portion	-	-	-	41,726	-	31,638	31,638	88,339	2,847	-	17,752	5,730	-	77,969	53,889	100.00%
8015	General Purpose, grades 4-6: state aid portion	-	-	-	39,356	-	29,840	29,840	83,321	2,686	-	16,744	5,404	-	73,540	50,828	100.00%
8015	General Purpose, grades 7-8: state aid portion	-	-	-	26,832	-	20,345	20,345	56,807	1,831	-	11,416	3,685	-	50,138	34,654	100.00%
8015	General Purpose, grades 9-12: state aid portion	-	-	-	62,573	-	47,444	47,444	132,473	4,270	-	26,621	8,593	-	116,922	80,812	100.00%
8019	Prior Year Income / Adjustments																
8181	Special Education																
8434	Class Size Reduction, K-3							20,777		62,332							100.00%
8480	Categorical Block Grant	-	-	-	13,891	-	10,532	10,532	29,408	948	-	5,910	1,907	-	25,956	17,940	100.00%
8480	Economic Impact	-	-	-	2,840	-	2,153	2,153	6,012	194	-	1,208	390	-	5,307	3,668	100.00%
8560	Lottery			9,097			9,097			9,097			9,097				100.00%
8520	State Child Nutrition program																
8591	SB 740 Rent re-imbursement program																
8592	Art and Music Block grant																
8590	New School Block Grant Supplement																
8590	Other State funding program																
	Subtotal	**$ -**	**$ -**	**$ 9,096.88**	**#########**	**$ -**	**#########**	**#########**	**#########**	**$84,204.72**	**$ -**	**$79,650.60**	**$34,805.88**	**$ -**	**#########**	**#########**	
Federal																	
8220	Federal Child Nutrition Programs																
8290	All Other Federal Revenue, inc Facilities Incenti																
8291	Title I					19,432				19,432			9,716				100.00%
8292	Title II																
8293	Title III																
8294	Title IV																
8295	Title V																
8296	Title V, B: PCSGP grant																
	Subtotal	**$ -**	**$ -**	**$ -**	**$ -**	**$19,432.16**	**$ -**	**$ -**	**$ -**	**$19,432.16**	**$ -**	**$ -**	**$ 9,716.08**	**$ -**	**$ -**	**$ -**	
Local																	
8096	In-Lieu of Property Taxes, K-3		2,728	5,457	3,638	3,638	3,638	3,638	3,638	6,366	3,183	3,183	3,183	3,183			100.00%
8096	In-Lieu of Property Taxes, 4-6		2,532	5,063	3,375	3,375	3,375	3,375	3,375	5,907	2,953	2,953	2,953	2,953			100.00%
8096	In-Lieu of Property Taxes, 7-8		1,670	3,340	2,227	2,227	2,227	2,227	2,227	3,897	1,948	1,948	1,948	1,948			100.00%
8096	In-Lieu of Property Taxes, 9-12		3,305	6,610	4,407	4,407	4,407	4,407	4,407	7,712	3,856	3,856	3,856	3,856			100.00%
8660	Interest																
8782	All Other Transfers from County Offices																
8784	All Other Transfers from Other Locations																
8785	CMO Management fee																
8792	Transfers of Apportionments from County Office																
8980	Student Lunch Revenue																
8981	Unrestricted Contributions																
8982	Foundation Grants																
8983	Miscellaneous																
8984	Student Body (ASB) Fundraising Revenue																
8985	School Site Fundraising																
	Subtotal	**$ -**	**$10,235.08**	**$20,470.15**	**$13,646.77**	**$13,646.77**	**$13,646.77**	**$13,646.77**	**$13,646.77**	**$23,881.84**	**$11,940.92**	**$11,940.92**	**$11,940.92**	**$11,940.92**	**$ -**	**$ -**	
Total		**$ -**	**$10,235.08**	**$29,567.03**	**#########**	**$33,078.93**	**#########**	**#########**	**#########**	**#########**	**$11,940.92**	**$91,591.53**	**$56,462.88**	**$11,940.92**	**#########**	**#########**	
Expenses																	
Certificated Salaries																	
1100	Teachers' Salaries		-	-	-	-	-	-	-	-	-	-	-				

Cash Flow $s Site 4

1105	Teachers' Bonuses												-			
1120	Substitute Expense		-	-	-	-	-	-	-	-	-	-	-			
1200	Certificated Pupil Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
1300	Certificated Supervisor and Administrator Salari	-	-	-	-	-	-	-	-	-	-	-	-			
1305	Certificated Supervisor and Administrator Bonus												-			
1900	Other Certificated Salaries	-	-	-	-	-	-	-	-	-	-	-	-			
1910	Other Certificated Overtime	-	-	-	-	-	-	-	-	-	-	-	-			
1000	**Subtotal**															
Classified Salaries																
2100	Instructional Aide Salaries		-	-	-	-	-	-	-	-	-	-	-			
2110	Instructional Aide Overtime		-	-	-	-	-	-	-	-	-	-	-			
2200	Classified Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
2210	Classified Support Overtime		-	-	-	-	-	-	-	-	-	-	-			
2300	Classified Supervisor and Administrator Salaries		-	-	-	-	-	-	-	-	-	-	-			
2400	Clerical, Technical, and Office Staff Salaries		-	-	-	-	-	-	-	-	-	-	-			
2410	Clerical, Technical, and Office Staff Overtime		-	-	-	-	-	-	-	-	-	-	-			
2900	Other Classified Salaries		-	-	-	-	-	-	-	-	-	-	-			
2905	Other Stipends		-	-	-	-	-	-	-	-	-	-	-			
2910	Other Classified Overtime		-	-	-	-	-	-	-	-	-	-	-			
2000	**Subtotal**															
Employee Benefits																
3101	State Teachers' Retirement System, certificated p		-	-	-	-	-	-	-	-	-	-	-			
3102	State Teachers' Retirement System, classified pos		-	-	-	-	-	-	-	-	-	-	-			
3201	Public Employees' Retirement System, certificate		-	-	-	-	-	-	-	-	-	-	-			
3202	Public Employees' Retirement System, classified		-	-	-	-	-	-	-	-	-	-	-			
3301	OASDI/Medicare/Alternative, certificated positi		-	-	-	-	-	-	-	-	-	-	-			
3302	OASDI/Medicare/Alternative, classified position		-	-	-	-	-	-	-	-	-	-	-			
3401	Health & Welfare Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3402	Health & Welfare Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3501	State Unemployment Insurance, certificated posi		-	-	-	-	-	-	-	-	-	-	-			
3502	State Unemployment Insurance, classified positi		-	-	-	-	-	-	-	-	-	-	-			
3601	Worker Compensation Insurance, certificated po		-	-	-	-	-	-	-	-	-	-	-			
3602	Worker Compensation Insurance, classified posit		-	-	-	-	-	-	-	-	-	-	-			
3901	Other Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3902	Other Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3000	**Subtotal**															
Books and Supplies																
4100	Approved Textbooks and Core Curricula Materia		-	-	-	-	-	-	-	-	-					
4200	Books and Other Reference Materials			-	-	-	-	-	-	-	-					
4300	Materials and Supplies			-	-			-								
4315	Classroom Materials and Supplies			-	-	-	-	-	-	-	-					
4305	Postage	-	-	-	-	-	-	-	-	-	-	-	-			
4307	Printing & Copying Expense	-	-	-	-	-	-	-	-	-	-	-	-			
4310	Messenger	-	-	-	-	-	-	-	-	-	-	-	-			
4400	Noncapitalized Equipment			-	-	-	-	-	-	-	-	-	-			
4405	Non Educational Computer Software			-	-	-	-	-	-	-	-					
4407	Student Educational Computer Software		-	-	-			-	-							
4410	Computer Hardware			-				-								
4415	Student Band/Drama Equipment			-				-								
4420	Student Athletic Equipment			-				-								
4430	General Student Equipment			-				-								
4440	Student Events			-	-	-	-	-	-	-	-	-	-			
4700	School District Food			-	-	-	-	-	-	-	-	-	-			
4701	Non School District Food			-	-	-	-	-	-	-	-	-	-			
4702				-	-	-	-	-	-	-	-	-	-			
4000	**Subtotal**															
Services and Other Operating Expenses																
5200	Travel and Conferences			-	-	-	-	-	-	-	-					
5210	Training and Development Expense			-	-	-	-	-	-	-	-					
5300	Dues and Memberships			-	-	-	-	-	-	-	-					
5400	Insurance		-	-	-	-	-	-	-	-	-	-	-			
5450	Property Tax Expense			-				-								
5500	Operation and Housekeeping Services/Supplies			-	-	-	-	-	-	-	-	-	-			

Cash Flow $s Site 4

5501	Utilities	-	-	-	-	-	-	-	-	-	-	-	-			
5505	Student Transportation			-	-	-	-	-	-	-	-	-	-			
5600	Space Rental/Leases Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5601	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-			
5605	Equipment Rental/Lease Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5800	Professional/Consulting Services and Operating	-	-	-	-	-	-	-	-	-	-	-	-			
5803	Banking and Payroll Service Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5805	Legal Services	-	-	-	-	-	-	-	-	-	-	-	-			
5810	Educational Consultants	-	-	-	-	-	-	-	-	-	-	-	-			
5815	Advertising / Recruiting	-	-	-	-	-	-	-	-	-	-	-	-			
5820	Fundraising Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5890	Interest Expense / Misc. Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5891	Charter School Capital Fees			-	-	-	-			-	-	-	-			
5899	CMO Management Fee			-	-	-	-	-	-	-	-	-	-			
5900	Communications	-	-	-	-	-	-	-	-	-	-	-	-			
5901		-	-	-	-	-	-	-	-	-	-	-	-			
5902				-	-	-	-	-	-	-	-	-	-			
5903		-	-	-	-	-	-	-	-	-	-	-	-			
5000	**Subtotal**															
	Capital Outlay															
6100	Land		-	-												
6170	Land Improvements		-	-												
6200	Buildings and Improvements of Buildings	-	-	-												
6300	Books and Media for New School Libraries or M			-				-								
6400	Equipment	-	-	-												
6500	Equipment Replacement	-	-	-												
6900	Depreciation Expense	-	-	-												
6000	**Subtotal**															
	Other Outgoing															
7000	Miscellaneous Expense		-	-	-	-	-	-	-	-	-	-	-			
7010	Special Education Encroachment			-	-	-	-	-	-	-	-	-	-			
7299	All Other Transfers to Other Locations								-	-	-	-				
7300				-	-	-	-	-	-	-	-	-	-			
7301				-	-	-	-	-	-	-	-	-	-			
7302	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7303	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7438	Debt Service - Interest			-	-	-	-	-	-	-	-	-	-			
7500	District Oversight Fee							-					-			
7000	**Subotal**															
Total Expenses																
	Additional items needed for cash flow															
	Cash balance at previous year end	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Receivable	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Payable	-	-	-	-	-	-	-	-	-	-	-	-			
	Loan Principal Payable - Allied	-	-	-	-	-	-	-	-	-	-	-	-			
	Subotal	-	-	-	-	-	-	-	-	-	-	-	-			
Monthly Operating Surplus / (Deficit)		#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!			
Total Monthly Surplus / (Deficit)		#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!			
Projected Monthly Cash Balance		#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!			

Long Valley Charter
SITE 5 NAME
Monthly Cash Flow Projections
2011/12 School Year

SAC Code	Description	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
Revenue																	
State																	
8015	General Purpose, grades K-3; state aid portion	-	-	-	41,726	-	31,638	31,638	88,339	2,847	-	17,752	5,730	-	77,969	53,889	100.00%
8015	General Purpose, grades 4-6; state aid portion	-	-	-	39,356	-	29,840	29,840	83,321	2,686	-	16,744	5,404	-	73,540	50,828	100.00%
8015	General Purpose, grades 7-8; state aid portion	-	-	-	26,832	-	20,345	20,345	56,807	1,831	-	11,416	3,685	-	50,138	34,654	100.00%
8015	General Purpose, grades 9-12; state aid portion	-	-	-	125,146	-	94,887	94,887	264,947	8,540	-	53,242	17,185	-	233,845	161,625	100.00%
8019	Prior Year Income / Adjustments																
8181	Special Education																
8434	Class Size Reduction, K-3							20,777		62,332							100.00%
8480	Categorical Block Grant	-	-	-	18,376	-	13,933	13,933	38,904	1,254	-	7,818	2,523	-	34,337	23,732	100.00%
8480	Economic Impact	-	-	-	3,749	-	2,842	2,842	7,936	256	-	1,595	515	-	7,005	4,841	100.00%
8560	Lottery			12,034			12,034			12,034			12,034				100.00%
8520	State Child Nutrition program																
8591	SB 740 Rent re-imbursement program																
8592	Art and Music Block grant																
8590	New School Block Grant Supplement																
8590	Other State funding program																
	Subtotal	**$ -**	**$ -**	**$12,034.38**	#########	**$ -**	#########	#########	#########	**$91,780.24**	**$ -**	#########	**$47,076.70**	**$ -**	#########	#########	
Federal																	
8220	Federal Child Nutrition Programs																
8290	All Other Federal Revenue, inc Facilities Incentiv																
8291	Title I					25,803				25,803			12,902				100.00%
8292	Title II																
8293	Title III																
8294	Title IV																
8295	Title V																
8296	Title V, B: PCSGP grant																
	Subtotal	**$ -**	**$ -**	**$ -**	**$ -**	**$25,803.36**	**$ -**	**$ -**	**$ -**	**$25,803.36**	**$ -**	**$ -**	**$12,901.68**	**$ -**	**$ -**	**$ -**	
Local																	
8096	In-Lieu of Property Taxes, K-3		2,728	5,457	3,638	3,638	3,638	3,638	3,638	6,366	3,183	3,183	3,183	3,183			100.00%
8096	In-Lieu of Property Taxes, 4-6		2,532	5,063	3,375	3,375	3,375	3,375	3,375	5,907	2,953	2,953	2,953	2,953			100.00%
8096	In-Lieu of Property Taxes, 7-8		1,670	3,340	2,227	2,227	2,227	2,227	2,227	3,897	1,948	1,948	1,948	1,948			100.00%
8096	In-Lieu of Property Taxes, 9-12		6,610	13,220	8,813	8,813	8,813	8,813	8,813	15,424	7,712	7,712	7,712	7,712			100.00%
8660	Interest																
8782	All Other Transfers from County Offices																
8784	All Other Transfers from Other Locations																
8785	CMO Management fee																
8792	Transfers of Apportionments from County Office																
8980	Student Lunch Revenue																
8981	Unrestricted Contributions																
8982	Foundation Grants																
8983	Miscellaneous																
8984	Student Body (ASB) Fundraising Revenue																
8985	School Site Fundraising																
	Subtotal	**$ -**	**$13,540.12**	**$27,080.23**	**$18,053.49**	**$18,053.49**	**$18,053.49**	**$18,053.49**	**$18,053.49**	**$31,593.60**	**$15,796.80**	**$15,796.80**	**$15,796.80**	**$15,796.80**	**$ -**	**$ -**	
Total		**$ -**	**$13,540.12**	**$39,114.61**	#########	**$43,856.85**	#########	#########	#########	#########	**$15,796.80**	#########	**$75,775.18**	**$15,796.80**	#########	#########	
Expenses																	
Certificated Salaries																	
1100	Teachers' Salaries		-	-	-	-	-	-	-	-	-	-	-				

Cash Flow $s Site 5

1105	Teachers' Bonuses												-			
1120	Substitute Expense		-	-	-	-	-	-	-	-	-	-	-			
1200	Certificated Pupil Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
1300	Certificated Supervisor and Administrator Salari	-	-	-	-	-	-	-	-	-	-	-	-			
1305	Certificated Supervisor and Administrator Bonus												-			
1900	Other Certificated Salaries	-	-	-	-	-	-	-	-	-	-	-	-			
1910	Other Certificated Overtime	-	-	-	-	-	-	-	-	-	-	-	-			
1000	**Subtotal**															
Classified Salaries																
2100	Instructional Aide Salaries		-	-	-	-	-	-	-	-	-	-	-			
2110	Instructional Aide Overtime		-	-	-	-	-	-	-	-	-	-	-			
2200	Classified Support Salaries		-	-	-	-	-	-	-	-	-	-	-			
2210	Classified Support Overtime		-	-	-	-	-	-	-	-	-	-	-			
2300	Classified Supervisor and Administrator Salaries		-	-	-	-	-	-	-	-	-	-	-			
2400	Clerical, Technical, and Office Staff Salaries		-	-	-	-	-	-	-	-	-	-	-			
2410	Clerical, Technical, and Office Staff Overtime		-	-	-	-	-	-	-	-	-	-	-			
2900	Other Classified Salaries		-	-	-	-	-	-	-	-	-	-	-			
2905	Other Stipends		-	-	-	-	-	-	-	-	-	-	-			
2910	Other Classified Overtime		-	-	-	-	-	-	-	-	-	-	-			
2000	**Subtotal**															
Employee Benefits																
3101	State Teachers' Retirement System, certificated p		-	-	-	-	-	-	-	-	-	-	-			
3102	State Teachers' Retirement System, classified pos		-	-	-	-	-	-	-	-	-	-	-			
3201	Public Employees' Retirement System, certificate		-	-	-	-	-	-	-	-	-	-	-			
3202	Public Employees' Retirement System, classified		-	-	-	-	-	-	-	-	-	-	-			
3301	OASDI/Medicare/Alternative, certificated positi		-	-	-	-	-	-	-	-	-	-	-			
3302	OASDI/Medicare/Alternative, classified position		-	-	-	-	-	-	-	-	-	-	-			
3401	Health & Welfare Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3402	Health & Welfare Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3501	State Unemployment Insurance, certificated posi		-	-	-	-	-	-	-	-	-	-	-			
3502	State Unemployment Insurance, classified positi		-	-	-	-	-	-	-	-	-	-	-			
3601	Worker Compensation Insurance, certificated po		-	-	-	-	-	-	-	-	-	-	-			
3602	Worker Compensation Insurance, classified posi		-	-	-	-	-	-	-	-	-	-	-			
3901	Other Benefits, certificated positions		-	-	-	-	-	-	-	-	-	-	-			
3902	Other Benefits, classified positions		-	-	-	-	-	-	-	-	-	-	-			
3000	**Subtotal**															
Books and Supplies																
4100	Approved Textbooks and Core Curricula Materi		-	-	-	-	-	-	-	-	-					
4200	Books and Other Reference Materials			-	-	-	-	-	-	-	-					
4300	Materials and Supplies			-	-			-								
4315	Classroom Materials and Supplies			-	-	-	-	-	-	-	-					
4305	Postage	-	-	-	-	-	-	-	-	-	-	-	-			
4307	Printing & Copying Expense	-	-	-	-	-	-	-	-	-	-	-	-			
4310	Messenger	-	-	-	-	-	-	-	-	-	-	-	-			
4400	Noncapitalized Equipment			-	-	-	-	-	-	-	-	-	-			
4405	Non Educational Computer Software			-	-	-	-	-	-	-	-					
4407	Student Educational Computer Software		-	-	-			-	-							
4410	Computer Hardware			-				-								
4415	Student Band/Drama Equipment			-				-								
4420	Student Athletic Equipment			-				-								
4430	General Student Equipment			-				-								
4440	Student Events			-	-	-	-	-	-	-	-	-	-			
4700	School District Food			-	-	-	-	-	-	-	-	-	-			
4701	Non School District Food			-	-	-	-	-	-	-	-	-	-			
4702				-	-	-	-	-	-	-	-	-	-			
4000	**Subtotal**															
Services and Other Operating Expenses																
5200	Travel and Conferences			-	-	-	-	-	-	-	-					
5210	Training and Development Expense			-	-	-	-	-	-	-	-					
5300	Dues and Memberships			-	-	-	-	-	-	-	-					
5400	Insurance		-	-	-	-	-	-	-	-	-	-	-			
5450	Property Tax Expense			-				-								
5500	Operation and Housekeeping Services/Supplies			-	-	-	-	-	-	-	-	-	-			

Cash Flow $s Site 5

5501	Utilities	-	-	-	-	-	-	-	-	-	-	-	-			
5505	Student Transportation			-	-	-	-	-	-	-	-	-	-			
5600	Space Rental/Leases Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5601	Building Maintenance	-	-	-	-	-	-	-	-	-	-	-	-			
5605	Equipment Rental/Lease Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5800	Professional/Consulting Services and Operating	-	-	-	-	-	-	-	-	-	-	-	-			
5803	Banking and Payroll Service Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5805	Legal Services	-	-	-	-	-	-	-	-	-	-	-	-			
5810	Educational Consultants	-	-	-	-	-	-	-	-	-	-	-	-			
5815	Advertising / Recruiting	-	-	-	-	-	-	-	-	-	-	-	-			
5820	Fundraising Expense	-	-	-	-	-	-	-	-	-	-	-	-			
5890	Interest Expense / Misc. Fees	-	-	-	-	-	-	-	-	-	-	-	-			
5891	Charter School Capital Fees			-	-	-	-			-	-	-	-			
5899	CMO Management Fee			-	-	-	-	-	-	-	-	-	-			
5900	Communications	-	-	-	-	-	-	-	-	-	-	-	-			
5901		-	-	-	-	-	-	-	-	-	-	-	-			
5902				-	-	-	-	-	-	-	-	-	-			
5903		-	-	-	-	-	-	-	-	-	-	-	-			
5000	**Subtotal**															
	Capital Outlay															
6100	Land		-	-												
6170	Land Improvements		-	-												
6200	Buildings and Improvements of Buildings	-	-	-												
6300	Books and Media for New School Libraries or M			-				-								
6400	Equipment	-	-	-												
6500	Equipment Replacement	-	-	-												
6900	Depreciation Expense	-	-	-												
6000	**Subtotal**															
	Other Outgoing															
7000	Miscellaneous Expense		-	-	-	-	-	-	-	-	-	-	-			
7010	Special Education Encroachment			-	-	-	-	-	-	-	-	-	-			
7299	All Other Transfers to Other Locations								-	-	-	-				
7300				-	-	-	-	-	-	-	-	-	-			
7301				-	-	-	-	-	-	-	-	-	-			
7302	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7303	1/0/1900			-	-	-	-	-	-	-	-	-	-			
7438	Debt Service - Interest			-	-	-	-	-	-	-	-	-	-			
7500	District Oversight Fee							-					-			
7000	**Subtotal**															
Total Expenses																
	Additional items needed for cash flow															
	Cash balance at previous year end	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Receivable	-	-	-	-	-	-	-	-	-	-	-	-			
	Accounts Payable	-	-	-	-	-	-	-	-	-	-	-	-			
	Loan Principal Payable - Allied	-	-	-	-	-	-	-	-	-	-	-	-			
	Subotal	-	-	-	-	-	-	-	-	-	-	-	-			

Monthly Operating Surplus / (Deficit)	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Total Monthly Surplus / (Deficit)	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Projected Monthly Cash Balance	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

CSMC SACS object codes

Just Objec	ACCTDESC
1100	Teachers' Salaries
1105	Teachers' Bonuses
1120	Substitute Expense
1200	Certificated Pupil Support Salaries
1300	Certificated Supervisor and Administrator Salaries
1305	Certificated Supervisor and Administrator Bonuses
1900	Other Certificated Salaries
1910	Other Certificated Overtime
2100	Instructional Aide Salaries
2110	Instructional Aide Overtime
2200	Classified Support Salaries
2210	Classified Support Overtime
2300	Classified Supervisor and Administrator Salaries
2400	Clerical, Technical, and Office Staff Salaries
2410	Clerical, Technical, and Office Staff Overtime
2900	Other Classified Salaries
2905	Other Stipends
2910	Other Classified Overtime
3101	State Teachers' Retirement System, certificated positions
3202	Public Employees' Retirement System, classified positions
3301	OASDI/Medicare/Alternative, certificated positions
3302	OASDI/Medicare/Alternative, classified positions
3303	OASDI/Medicare/Alternative
3401	Health & Welfare Benefits, certificated positions
3402	Health & Welfare Benefits, classified positions
3403	Health & Welfare Benefits
3501	State Unemployment Insurance, certificated positions
3502	State Unemployment Insurance, classified positions
3503	State Unemployment Insurance
3601	Worker Compensation Insurance, certificated positions
3602	Worker Compensation Insurance, classified positions
3603	Worker Compensation Insurance
4100	Approved Textbooks and Core Curricula Materials
4200	Books and Other Reference Materials
4210	Testing and Exam Supplies
4215	Classroom Materials and Supplies
4300	Materials and Supplies
4305	Postage
4307	Printing & Copying Expense
4310	Messenger
4400	Noncapitalized Equipment

4405	Non Educational Computer Software
4407	Student Educational Computer Software
4410	Computer Hardware
4415	Student Band/Drama Equipment
4420	Student Athletic Equipment
4430	General Student Supplies
4440	Student Events
4700	School District Food
4701	Non School District Food
5200	Travel and Conferences
5205	Auto Mileage
5206	Parking
5210	Training and Development Expense
5300	Dues and Memberships
5310	Educational Publications (Subscriptions)
5400	Insurance
5450	Property Tax Expense
5500	Operation and Housekeeping Services/Supplies
5501	Utilities
5505	Student Transportation
5506	Transportation Repair
5510	Security Services
5600	Space Rental/Leases Expense
5601	Building Maintenance
5605	Equipment Rental/Lease Expense
5610	Equipment Repair
5800	Professional/Consulting Services and Operating Expenditures
5801	Work Study Expense
5802	Parent/Community Services Expenditures
5803	Banking and Payroll Service Fees
5805	Legal Services
5810	Educational Consultants
5900	Communications
6300	Books and Media for New School Libraries or Major Expansion
6900	Depreciation Expense
7000	Miscellaneous Expense
7010	Special Education Encroachment
7026	Employee Recruitment Expense
7050	Fundraising Expense
7075	Scholarship Expenses
7090	Business Development
7299	All Other Transfers to Other Locations

CSMC SACS object codes

7438	Debt Service - Interest		
7500	District Oversight Fee		
8015	Charter Schools General Purpose Entitlement - State Aid	8015	Charter Sc X
8019	Prior Year Income	8019	Prior Year Income
8181	Special Education - Entitlement	8181	Special Education - E
8220	Federal Child Nutrition Programs	8220	Federal Child Nutriti
8290	All Other Federal Revenue	8290	All Other Federal Re
8291	Title I Federal Revenue	8291	Title I Federal Reven
8292	Title II Federal Revenue	8292	Title II Federal Reve
8293	Title III Federal Revenue	8293	Title III Federal Reve
8294	Title IV Federal Revenue	8294	Title IV Federal Reve
8295	Title V Federal Revenue	8295	Title V Federal Reve
8296	Federal Implementation Grant Revenue	8296	Federal Implementati
8311	Other State Apportionments - Current Year (Economic Im	8311	Other State Apportio
8434	Class Size Reduction	8434	Class Size Reduction
8480	Charter School Categorical Block Grant	8480	Charter School Categ
8520	State Child Nutrition Program	8520	State Child Nutrition
8560	State Lottery Revenue	8560	State Lottery Revenu
8590	All Other State Revenues	8590	All Other State Reve
8660	Interest	8660	Interest
8096	Charter Schools Funding In-Lieu of Property Taxes	8096	Charter Schools Func
8782	All Other Transfers from County Offices	8782	All Other Transfers f
8784	All Other Transfers from Other Locations	8784	All Other Transfers f
8792	Transfers of Apportionments from County Offices	8792	Transfers of Apportic
8980	Student Lunch Revenue	8980	Student Lunch Rever
8981	Unrestricted Contributions	8981	Unrestricted Contribu
8982	Foundation Grants	8982	Foundation Grants
8982	Foundation Grants	8982	Foundation Grants
8983	Miscellaneous	8983	Miscellaneous
8984	Student Body (ASB) Fundraising Revenue	8984	Student Body (ASB)
8985	School Site Fundraising	8985	School Site Fundraisi
8986	Rental Income	8986	Rental Income
8987	Music class income	8987	Music class income
9120	Cash in Bank(s)		
9121	Petty Cash		
9122	Payroll Cash Account		
9123	Fundraising Cash Account	9120	Cash in Bank(s)
9125	Cash in Treasury Account	9121	Petty Cash
9150	Investments	9122	Payroll Cash Accoun
9200	Accounts Receivables	9123	Fundraising Cash Ac
9310	Due from Other Locations	9125	Cash in Treasury Acc
9311	Loans Receivable	9150	Investments

CSMC SACS object codes

9330	Prepaid Expenses
9335	Employee Advances
9336	STRS Deductions
9337	PERS Deductions
9340	Other Current Assets
9350	Security Deposits
9410	Land
9420	Building Improvements
9425	Accumulated Depreciation - Building Improvements
9430	Buildings
9435	Accumulated Depreciation - Buildings
9440	Furniture & Fixtures
9440	Furniture & Fixtures
9441	Computer Equipment
9442	Transportation Equipment
9445	Accumulated Depreciation - Furniture & Fixtures
9446	Accumulated Depreciation - Computer Equipment
9447	Accumulated Depreciation - Transportation Equipment
9450	Construction in Progress
9500	Accounts Payable-System
9501	Accrued Salaries
9502	Accrued Payroll Taxes
9503	Accrued STRS
9504	Accrued PERS
9505	Accounts Payable-Accrual
9640	Loans Payable
9650	Deferred Revenue
9660	Voluntary Deductions
9663	Revolving Loan Payable
9664	Other Postemployment Benefits Payable
9665	Compensated Abscences Payable
9667	Capital Leases Payable
9669	Secured Debt Outstanding
9770	Reserve for Economic Uncertainty
9781	Restricted Fund Balance-Title I
9782	Restricted Fund Balance-Title II
9783	Restricted Fund Balance-Title III
9784	Restricted Fund Balance-Title IV
9785	Restricted Fund Balance-Title V
9786	Restricted Fund Balance-Other Federal
9787	Restricted Fund Balance-Other State
9788	Restricted Fund Balance-Other

9200	Accounts Receivable
9310	Due from Other Loca
9311	Loans Receivable
9330	Prepaid Expenses
9335	Employee Advances
9336	STRS Deductions
9337	PERS Deductions
9340	Other Current Assets
9350	Security Deposits
9410	Land
9420	Building Improveme
9425	Accumulated Deprec
9430	Buildings
9435	Accumulated Deprec
9440	Furniture & Fixtures
9441	Computer Equipmen
9442	Transportation Equip
9445	Accumulated Deprec
9446	Accumulated Deprec
9447	Accumulated Deprec
9450	Construction in Prog
9500	Accounts Payable-Sy
9501	Accrued Salaries
9502	Accrued Payroll Tax
9503	Accrued STRS
9504	Accrued PERS
9505	Accounts Payable-Ac
9640	Loans Payable
9650	Deferred Revenue
9660	Voluntary Deduction
9663	Revolving Loan Paya
9664	Other Postemployme
9665	Compensated Abscer
9667	Capital Leases Payab
9669	Secured Debt Outsta
9770	Reserve for Economi
9781	Restricted Fund Bala
9782	Restricted Fund Bala
9783	Restricted Fund Bala
9784	Restricted Fund Bala
9785	Restricted Fund Bala
9786	Restricted Fund Bala

CSMC SACS object codes

9789	Restricted Fund Balance Healthy Pathways
9790	Undesignated Fund Balance

9787	Restricted Fund Bala
9788	Restricted Fund Bala
9789	Restricted Fund Bala
9790	Undesignated Fund E

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CSMC SACS object codes

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nce-Title II
nce-Title III
nce-Title IV
nce-Title V
nce-Other Federal

nce-Other State
nce-Other
nce Healthy Pathways
Balance

Clean Value results

1100	Certificated Teachers' Salaries
1200	Certificated Pupil Support Salaries
1300	Certificated Supervisors' and Administrators' Salaries
1900	Other Certificated Salaries
2100	Classified Instructional Salaries
2200	Classified Support Salaries
2300	Classified Supervisors' and Administrators' Salaries
2400	Clerical, Technical, and Office Staff Salaries
2900	Other Classified Salaries
3100	(Obsolete) State Teachers' Retirement System
3101	State Teachers' Retirement System, certificated positions
3102	State Teachers' Retirement System, classified positions
3200	(Obsolete) Public Employees' Retirement System
3201	Public Employees' Retirement System, certificated positions
3202	Public Employees' Retirement System, classified positions
3300	(Obsolete) Social Security/Medicare/Alternative
3301	OASDI/Medicare/Alternative, certificated positions
3302	OASDI/Medicare/Alternative, classified positions
3400	(Obsolete) Health & Welfare Benefits
3401	Health & Welfare Benefits, certificated positions
3402	Health & Welfare Benefits, classified positions
3500	(Obsolete) State Unemployment Insurance
3501	State Unemployment Insurance, certificated positions
3502	State Unemployment Insurance, classified positions
3600	(Obsolete) Worker's Compensation Insurance
3601	Workers' Compensation Insurance, certificated positions
3602	Workers' Compensation Insurance, classified positions
3700	(Obsolete) Retiree Benefits
3701	OPEB, Allocated, certificated positions
3702	OPEB, Allocated, classified positions
3751	OPEB, Active Employees, certificated positions
3752	OPEB, Active Employees, classified positions
3800	(Obsolete) PERS Reduction
3801	PERS Reduction, certificated positions
3802	PERS Reduction, classified positions
3900	(Obsolete) Other Benefits
3901	Other Benefits, certificated positions
3902	Other Benefits, classified positions
4100	Approved Textbooks and Core Curricula Materials
4200	Books and Other Reference Materials
4300	Materials and Supplies
4400	Noncapitalized Equipment

4700	Food
5100	Subagreements for Services
5200	Travel and Conferences
5300	Dues and Memberships
5400	Insurance
5440	Pupil Insurance
5450	Other Insurance
5500	Operations and Housekeeping Services
5600	Rentals, Leases, Repairs, and Noncapitalized Improvements
5710	Transfers of Direct Costs
5750	Transfers of Direct Costs - Interfund
5800	Professional/Consulting Services and Operating Expenditures
5900	Communications
6100	Land
6170	Land Improvements
6200	Buildings and Improvements of Buildings
6300	Books and Media for New School Libraries or Major Expansion of School Libraries
6400	Equipment
6500	Equipment Replacement
6900	Depreciation Expense
7110	Tuition for Instruction Under Interdistrict Attendance Agreements
7130	State Special Schools
7141	Other Tuition, Excess Costs, and/or Deficit Payments to Districts or Charter Sch
7142	Other Tuition, Excess Costs, and/or Deficit Payments to County Offices
7143	Other Tuition, Excess Costs, and/or Deficit Payments to JPAs
7211	Transfers of Pass-Through Revenues to Districts or Charter Schools
7212	Transfers of Pass-Through Revenues to County Offices
7213	Transfers of Pass-Through Revenues to JPAs
7221	Transfers of Apportionments to Districts or Charter Schools
7222	Transfers of Apportionments to County Offices
7223	Transfers of Apportionments to JPAs
7280	(Obsolete) Transfers to Charter Schools in Lieu of Property Taxes
7281	All Other Transfers to Districts or Charter Schools
7282	All Other Transfers to County Offices
7283	All Other Transfers to JPAs
7299	All Other Transfers Out to All Others
7310	Transfers of Indirect Costs
7350	Transfers of Indirect Costs - Interfund
7370	Transfers of Direct Support Costs
7380	Transfers of Direct Support Costs - Interfund
7432	State School Building Repayments
7433	Bond Redemptions
7434	Bond Interest and Other Service Charges
7435	Repayment of State School Building Fund Aid - Proceeds from Bonds

7436 Payments to Original District for Acquisition of Property
7438 Debt Service - Interest
7439 Other Debt Service - Principal
7611 From General Fund to Child Development Fund
7612 Between General Fund and Special Reserve Fund
7613 To State School Building Fund/County School Facilities Fund from All Other Funds
7614 From Bond Interest and Redemption Fund to General Fund
7615 From General, Special Reserve, and Building Funds to Deferred Maintenance Fund
7616 From General Fund to Cafeteria Fund
7619 Other Authorized Interfund Transfers Out
7632 (Obsolete) State School Building Repayment
7633 (Obsolete) Bond Redemptions
7634 (Obsolete) Bond Interest and Other Service Charges
7635 (Obsolete) Repayment of State School Building Fund Aid - Proceeds from Bonds
7636 (Obsolete) Payments to Original District for Acquisition of Property
7638 (Obsolete) Debt Service - Interest
7639 (Obsolete) Other Debt Service - Principal
7641 (Obsolete) Long-Term Loan Repayments
7649 (Obsolete) Other Loan Repayments
7651 Transfers of Funds from Lapsed/Reorganized LEAs
7699 All Other Financing Uses
8011 Revenue Limit State Aid - Current Year
8015 Charter Schools General Purpose Entitlement - State Aid
8019 Revenue Limit State Aid - Prior Years
8021 Homeowners' Exemptions
8022 Timber Yield Tax
8029 Other Subventions/In-Lieu Taxes
8030 (Obsolete) Trailer Coach Fees
8041 Secured Roll Taxes
8042 Unsecured Roll Taxes
8043 Prior Years' Taxes
8044 Supplemental Taxes
8045 Education Revenue Augmentation Fund (ERAF)
8046 Supplemental Educational Revenue Augmentation Fund (SERAF)
8047 Community Redevelopment Funds
8048 Penalties and Interest from Delinquent Taxes
8070 Receipts from County Board of Supervisors
8081 Royalties and Bonuses
8082 Other In-Lieu Taxes
8089 Less: Non-Revenue Limit (50 Percent) Adjustment
8091 Revenue Limit Transfers - Current Year
8092 PERS Reduction Transfer
8096 Transfers to Charter Schools in Lieu of Property Taxes
8097 Property Taxes Transfers

8099	Revenue Limit Transfers - Prior Years
8110	Maintenance and Operations (Public Law 81-874)
8181	Special Education - Entitlement
8182	Special Education - Discretionary Grants
8220	Child Nutrition Programs
8260	Forest Reserve Funds
8270	Flood Control Funds
8280	U.S. Wildlife Reserve Funds
8281	FEMA
8285	Interagency Contracts Between LEAs
8287	Pass-Through Revenues from Federal Sources
8290	All Other Federal Revenue
8311	Other State Apportionments - Current Year
8319	Other State Apportionments - Prior Years
8425	Year-Round School Incentive
8434	Class Size Reduction, Grades K-3
8435	Class Size Reduction, Grade Nine
8480	Charter Schools Categorical Block Grant
8520	Child Nutrition
8530	Child Development Apportionments
8540	Deferred Maintenance Allowance
8545	School Facilities Apportionments
8550	Mandated Cost Reimbursements
8560	State Lottery Revenue
8571	Voted Indebtedness Levies, Homeowners' Exemptions
8572	Voted Indebtedness Levies, Other Subventions/In-Lieu Taxes
8575	Other Restricted Levies, Homeowners' Exemptions
8576	Other Restricted Levies, Other Subventions/In-Lieu Taxes
8587	Pass-Through Revenues from State Sources
8590	All Other State Revenue
8611	Voted Indebtedness Levies, Secured Roll
8612	Voted Indebtedness Levies, Unsecured Roll
8613	Voted Indebtedness Levies, Prior Years' Taxes
8614	Voted Indebtedness Levies, Supplemental Taxes
8615	Other Restricted Levies, Secured Roll
8616	Other Restricted Levies, Unsecured Roll
8617	Other Restricted Levies, Prior Years' Taxes
8618	Other Restricted Levies, Supplemental Taxes
8621	Parcel Taxes
8622	Other Non-Ad Valorem Taxes
8625	Community Redevelopment Funds Not Subject to Revenue Limit Deduction
8629	Penalties and Interest from Delinquent Non-Revenue Limit Taxes
8631	Sale of Equipment and Supplies
8632	Sale of Publications

8634	Food Service Sales
8639	All Other Sales
8650	Leases and Rentals
8660	Interest
8662	Net Increase (Decrease) in the Fair Value of Investments
8671	Adult Education Fees
8672	Nonresident Student Fees
8673	Child Development Parent Fees
8674	In-District Premiums/Contributions
8675	Transportation Fees from Individuals
8677	Interagency Services Between LEAs
8681	Mitigation/Developer Fees
8689	All Other Fees and Contracts
8691	Plus: Miscellaneous Funds Non-Revenue Limit (50 Percent) Adjustment
8697	Pass-Through Revenue from Local Sources
8699	All Other Local Revenue
8710	Tuition
8780	(Obsolete) Transfers from Sponsoring LEAs to Charter Schools in Lieu of Property
8781	All Other Transfers from Districts or Charter Schools
8782	All Other Transfers from County Offices
8783	All Other Transfers from JPAs
8791	Transfers of Apportionments from Districts or Charter Schools
8792	Transfers of Apportionments from County Offices
8793	Transfers of Apportionments from JPAs
8799	Other Transfers In from All Others
8911	To Child Development Fund from General Fund
8912	Between General Fund and Special Reserve Fund
8913	To State School Building Fund/County School Facilities Fund from All Other Funds
8914	To General Fund from Bond Interest and Redemption Fund
8915	To Deferred Maintenance Fund from General, Special Reserve and Building Funds
8916	To Cafeteria Fund from General Fund
8919	Other Authorized Interfund Transfers In
8931	Emergency Apportionments
8935	(Obsolete) School Facilities Apportionments
8951	Proceeds from Sale of Bonds
8953	Proceeds from Sale/Lease Purchase of Land and Buildings
8961	County School Building Aid
8965	Transfers from Funds of Lapsed/Reorganized LEAs
8971	Proceeds from Certificates of Participation
8972	Proceeds from Capital Leases
8973	Proceeds from Lease Revenue Bonds
8979	All Other Financing Sources
8980	Contributions from Unrestricted Revenues
8990	Contributions from Restricted Revenues

8995	Categorical Education Block Grant Transfers
8997	Transfers of Restricted Balances
8998	Categorical Flexibility Transfers
9110	Cash in County Treasury
9111	Fair Value Adjustment to Cash in County Treasury
9120	Cash in Bank(s)
9130	Revolving Cash Account
9135	Cash with a Fiscal Agent/Trustee
9140	Cash Collections Awaiting Deposit
9150	Investments
9200	Accounts Receivable
9290	Due from Grantor Governments
9310	Due from Other Funds
9320	Stores
9330	Prepaid Expenditures (Expenses)
9340	Other Current Assets
9410	Land
9420	Land Improvements
9425	Accumulated Depreciation - Land Improvements
9430	Buildings
9435	Accumulated Depreciation - Buildings
9440	Equipment
9445	Accumulated Depreciation - Equipment
9450	Work in Progress
9500	Accounts Payable (Current Liabilities)
9590	Due to Grantor Governments
9610	Due to Other Funds
9620	Due to Student Groups/Other Agencies
9640	Current Loans
9650	Deferred Revenue
9661	General Obligation Bond Payable
9662	State School Building Loans Payable
9664	Net OPEB Obligation
9665	Compensated Absences Payable
9666	Certificates of Participation (COPs) Payable
9667	Capital Leases Payable
9668	Lease Revenue Bonds Payable
9669	Other General Long-Term Debt
9711	Reserve for Revolving Cash
9712	Reserve for Stores
9713	Reserve for Prepaid Expenditures (Expenses)
9719	Reserve for All Others
9730	General Reserve
9740	Legally Restricted Balance

9770	Designated for Economic Uncertainties
9775	Designated for the Unrealized Gains of Investments and Cash in County Treasury
9780	Other Designations
9790	Undesignated/Unappropriated
9791	Beginning Fund Balance
9793	Audit Adjustments
9795	Other Restatements
9980	Amount Available
9989	Amount to be Provided
9990	Investment in General Fixed Assets

Long Valley Charter School
Proudly Established in the Year 2000
Continued Educational Excellence Since 1871

P.O. Box 7 ~ Doyle, CA 96109 Telephone ~ 530 827-2395

April 20, 2012

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Certificates of Occupancy and ADA issues

Ms. Baltazar:

Attached are letters Long Valley Charter School has received from the City of Portola and Andrew Phillips regarding the lack of a Certificate of Occupancy for the Portola and Cottonwood Resource Centers. Andrew Philips will be picking up a letter from the planning department in Cottonwood on Monday afternoon at 3pm. His work schedule did not afford him the ability to do so any sooner than this. The documentation that he will be getting on Monday will address both the ADA compliance and Certificate of Occupancy issues.

Also attached is a letter from the City of Susanville regarding the ADA compliance of the Susanville Resource Center.

Sincerely,

Cindy Henry
Director
Long Valley Charter School

City of Portola

35 Third Avenue • P.O. Box 1225
Portola, California 96122
Fax: (530) 832-5418
(530) 832-4216
www.ci.portola.ca.us

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: Long Valley Charter School
Certificate of Occupancy
280 East Sierra Avenue in Portola, CA

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has informed me that the California Department of Education has objected to the fact that Long Valley does not have a Certificate of Occupancy for its resource center located at 280 East Sierra Avenue in the city of Portola, California.

As Building Department Official for the City of Portola, and thus as representative of the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located, I determined in 2010 that the building in which Long Valley planned to locate their resource center was built in 1895; while a Certificate of Occupancy was likely issued at some point thereafter, I was not able to locate the COO in the file for the building. Its previous uses, however, had been as a business (B-Occupancy), including as a scrapbooking store that also offered educational classes.

I also determined in my capacity as representative of the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located that the use of the building at 280 East Sierra Avenue in Portola, CA by Long Valley would not be a change in use from its prior B-occupancy use, as the space would be used by fewer than 50 individuals, and would not be used as a traditional school facility. As a result, I determined that Long Valley would not be required to seek a Certificate of Occupancy prior to occupying the building located at 280 East Sierra Avenue.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Todd Roberts

Andrew Phillips
Box 615
Cottonwood, CA 96022

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: Long Valley Charter School
Certificate of Occupancy
3308 Main Street, Cottonwood, CA

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has communicated to me that the California Department of Education has objected to the fact that Long Valley does not have a Certificate of Occupancy for its resource center located at 3308 Main Street, Cottonwood, California. However, at the time Long Valley was proposing to rent the property, the County Planning and Building departments stated to me that Long Valley would not need to seek a Certificate of Occupancy as their use of the property would not constitute a change of use.

I am the owner of this property, and as such am the Landlord for Long Valley. When Long Valley was proposing to rent my property, I discussed the issue of the need for a Certificate of Occupancy with both the Cottonwood Fire Department, and the Shasta County Planning and Building Departments, which are the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located. County Planning and Building staff told me that, because the property was built sometime around 1890 and was thus built before Certificates of Occupancy were issues, there was no Certificate of Occupancy in their file for the location.

Furthermore, after I described the intended use of the facility (as a charter school resource center) to County Planning staff, staff told me that a Certificate of Occupancy would not be required in order for Long Valley to occupy the property because its occupancy would not be a change in use. I communicated this to Long Valley staff shortly thereafter. At no time since has the County objected to Long Valley's use and occupancy of the property at 3308 Main Street without a new Certificate of Occupancy.

Please do not hesitate to contact me should you have any questions.

[SIGNATURE]

City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

April 20, 2012

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: Long Valley Charter School
Compliance with the Americans With Disabilities Act
900 Main Street in Susanville, CA

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has informed me that the California Department of Education has made a finding that Long Valley is not in compliance with the Americans with Disabilities Act for its resource center located at 900 Main Street in Susanville, California.

As the Building Official for the City of Susanville it is my determination that Long Valley's facility meets the accessibility requirements for existing buildings according to the 2010 California Building Code, Chapter 34, and Section 3411.4.2. Furthermore, I have determined that because Long Valley's occupancy did not represent a change in use, because no alterations were made to the site, and because the site was in compliance with the ADA at the time Long Valley was issued its COO, no alterations needed to be made to bring the site into compliance. However if renovations to the building should occur in the future further upgrades will be handled on a case by case basis.

Please do not hesitate to contact me at 530-252-5117 should you have any questions.

Sincerely,

Charlie Palmer
Building Official
City of Susanville

Lino P. Callegari
Mayor
Douglas Sayers
Mayor pro tem

Councilmembers:
Joseph Franco
Cheryl L. McDonald
Rod E. De Boer

SECTION 3409
HISTORIC BUILDINGS

[DSA-AC] For applications listed in Section 1.9.1 regulated by the Division of the State Architect-Access Compliance for Qualified Historical Buildings, see California Code of Regulations, Title 24, Part 8 (California Historical Building Code).

3409.1 Historic buildings. The provisions of this code relating to the construction, repair, *alteration*, *addition*, restoration and movement of structures, and change of occupancy shall not be mandatory for *historic buildings* where such buildings are judged by the *building official* to not constitute a distinct life safety hazard.

3409.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into compliance with Section 1612.

Exception: *Historic buildings* that are:

1. *Listed* or preliminarily determined to be eligible for listing in the National Register of Historic Places;
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is *approved* by the Department of Interior.

SECTION 3410
MOVED STRUCTURES

3410.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

***Exception:** [HCD 1 & HCD 2] After July 1, 1978, local ordinances or regulations for moved apartment houses and dwellings shall permit the retention of existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.*

SECTION 3411
ACCESSIBILITY FOR EXISTING BUILDINGS

3411.1 Scope. The provisions of Sections 3411.1 through 3411.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as *historic buildings*.

Exception: Type B *dwelling* or sleeping units required by *Chapter 11A or 11B as applicable* of this code are not required to be provided in existing buildings and facilities being altered or undergoing a change of occupancy.

3411.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be *accessible* shall be maintained *accessible* during occupancy.

3411.3 Extent of application. An *alteration* of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3411.4 Change of occupancy. Existing buildings that undergo a change of group or occupancy shall comply with this section.

3411.4.1 Partial change in occupancy. Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with Sections 3411.6, 3411.7 and 3411.8.

3411.4.2 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 3411.4.1 and shall have all of the following *accessible* features:

1. At least one *accessible* building entrance.
2. At least one *accessible* route from an *accessible* building entrance to *primary function* areas.
3. Signage complying with *Chapter 11A or 11B as applicable.*
4. Accessible parking, where parking is being provided.
5. At least one *accessible* passenger loading zone, when loading zones are provided.
6. At least one *accessible* route connecting *accessible* parking and *accessible* passenger loading zones to an *accessible* entrance.

Where it is *technically infeasible* to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible.

3411.5 Additions. Provisions for new construction shall apply to additions. An *addition* that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3411.7.

3411.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in *Chapter 11A or 11B as applicable* of this code and ICC A117.1, unless *technically infeasible*. Where compliance with this section is *technically infeasible*, the *alteration* shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an *accessible* route, unless required by Section 3411.7.
2. *Accessible means of egress* required by Chapter 10 are not required to be provided in existing buildings and facilities.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Long Valley Charter School: Consider Issuing a Notice of Intent to Revoke Pursuant to California *Education Code* Section 47607(e).	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUES

The California Department of Education (CDE) considers that Long Valley Charter School (LVCS) has committed material violations of the conditions, standards, and/or procedures set forth in the charter and has violated provisions of law. LVCS submitted a material revision as part of the remedy to the notice of violation. If the material revision is approved, the only remaining issue in the notice of violation will be the highly qualified teacher requirements. The CDE continues to work with the school to address this issue.

RECOMMENDATION

California Department of Education Recommendation

The CDE recommends that the State Board of Education (SBE) consider that LVCS may have violated provisions of law pursuant to California *Education Code* (*EC)* Section 47607(c)(1) as described in a notice of violation issued by the SBE to LVCS on March 7, 2012.

Since insufficient evidence has been provided to cure the issues specified in the Letter of Violation as of the date of posting, the CDE recommends that if the SBE finds that LVCS has failed to refute, remedy, or propose to remedy the violations described in the notice of violation, the SBE issue a Notice of Intent to Revoke and Notice of Facts in support of revocation pursuant to *EC* Section 47607(e), included as Attachment 5.

If the SBE issues a Notice of Intent to Revoke and Notice of Facts in support of revocation of LVCS, the CDE also recommends that the SBE hold a public hearing on May 10, 2012, to consider revocation of the LVCS charter.

RECOMMENDATION (Cont.)

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on April 11, 2012, and voted not to issue a Notice of Intent to Revoke and Notice of Facts in support of revocation pursuant to *EC* Section 47607(e) of the Long Valley Charter School with the following conditions and stipulations:

1. LVCS has a maximum of three resource centers and up to 500 students, subject to the standard language in the Memorandum of Understanding between the school and the SBE.

2. LVCS present the CDE with certificates of occupancy for the resource centers and that the resource centers are compliant with the Americans with Disabilities Act (ADA) or at least have a specific plan to be compliant.

3. That the petition be revised to include the technical amendments identified by the CDE.

Follow up discussion on the recommendation included the request that the CDE verify assertions made by LVCS at the ACCS meeting on April 12, 2012, which included:

a. 100% of the LVCS teachers are highly qualified

b. The local authority of Shasta and Plumas counties do not issue certificates of occupancy for the facilities currently operated by the LVCS resource centers

c. A plan to address the ADA issues located at the resource centers operated by LVCS is in progress

The motion passed six to one.

BRIEF HISTORY OF KEY ISSUES

EC Section 47607(c) 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:

(1) "Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

BRIEF HISTORY OF KEY ISSUES (Cont.)

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of the law."

The CDE has been made aware of a number of issues and allegations that, if true, and if not refuted or resolved immediately by the governing board of LVCS, are in violation of subdivision (1) of *EC* Section 47607(c) and may directly impact the ability of LVCS to continue operations in 2012–13.

EC Section 47607(d) specifies that "prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation." On March 8, 2012, the SBE issued a notice of violation to LVCS and allowed LVCS the opportunity to provide evidence that refuted, remedied, or proposed to remedy the alleged violations described in the notice of violation by the close of business (5 p.m. Pacific Standard Time) on Tuesday April 3, 2012. Subsequently, LVCS submitted supporting documentation to the CDE.

In its analysis of issues, the CDE has reviewed information including, but not limited to the following items:

- LVCS revised charter petition
- Credentials of currently employed LVCS teachers
- Agendas and minutes from meetings of the LVCS Board of Directors
- LVCS academic and enrollment data
- Written evidence submitted by LVCS
- Site visits to proposed resource facilities

The CDE recommends that the SBE consider:

(1) Written evidence submitted by LVCS, as provided in Attachments 2 and 9

(2) CDE analysis of LVCS written evidence, as provided in Attachment 3

(3) LVCS academic achievement and enrollment data, as provided in Attachment 4

(4) Draft Notice of Intent to Revoke and Notice of Facts in Support of Revocation; Notice of Public Hearing, as provided in Attachment 5

BRIEF HISTORY OF KEY ISSUES (Cont.)

(5) Memorandum of Understanding Between the California State Board of Education and Long Valley Charter School, as provided in Attachment 6

(6) Letters from the local authorities and landlord regarding the lack of certificates of occupancy for the LVCS resource centers, as provided as Attachment 9

From February 27, 2012, through April 26, 2012, the CDE has received numerous documents (210 pages) from LVCS in an effort to resolve the issues detailed in the letter of violation. LVCS submitted written evidence to the SBE office on March 27, 2012. This evidence was considered by the ACCS at its April 11, 2012. At that meeting verbal assertions were made by LVCS, and LVCS was given time and opportunity to present additional information to support those statements.

Following the April 12, 2012, ACCS meeting, the CDE sent a follow up letter to LVCS identifying specific documentation that would need to be provided. Since that meeting, the CDE had continuous communication with LVCS staff to obtain the additional documentation. The CDE continues to receive submission of documentation from LVCS almost daily, and as late as April 26, 2012. The volume of documents provided, many duplicative, incomplete, and disorganized, and the complexity of the issues being addressed, has hindered CDE's ability to fully analyze the documents by the date of this posting.

While most issues may be resolved by the approval of the material revision, the CDE did not find the material revision met the standards and criteria in *EC* Section 47605. As of April 26, 2012, insufficient evidence has been provided to cure highly qualified teacher requirements identified in the Notice of Violation.

LVCS was unable to provide sufficient evidence that all LVCS teachers are highly qualified. Many of the documents that have been submitted are incomplete and inconsistent. The CDE has requested additional clarification on many documents and requested additional documents not yet submitted. The CDE received conflicting master schedules, which made verification difficult to determine. The CDE has received conflicting documents, such as one set of documents indicating that all LVCS teachers were highly qualified and another set of the same documents indicate that some teachers may not be highly qualified.

The LVCS petition states that all teachers will be authorized to teach English learner (EL) students. In addressing the CDE's concerns regarding LVCS teachers without EL authorization, LVCS did provide a declaration of need that will provide teachers the opportunity to apply for waivers during the 2012–2013 school year. However, LVCS had the opportunity to apply for waivers for the remainder of the current school year to be in compliance with their charter petition, but chose not to apply for such waivers.

BRIEF HISTORY OF KEY ISSUES (Cont.)

Prior to revoking a charter for failure to remedy a violation pursuant to *EC* Section 47607(d), and after expiration of the school's reasonable opportunity to remedy the violation, *EC* Section 47607(e) states:

> "..the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings."

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION ACTION AND DISCUSSION

A Notice of Violation was issued by the SBE to LVCS on March 8, 2012.

The SBE authorized LVCS on appeal of nonrenewal on July 14, 2010. The SBE agenda item, attachments, and minutes can be found on the SBE July 2010 Web page at http://www.cde.ca.gov/be/ag/ag/main201007.asp.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of LVCS, per se, has essentially no fiscal impact on the state as a whole. If affected students were not being served at LVCS, they would most likely be served at another public school. The CDE receives approximately one percent of LVCS's general purpose and categorical program revenues for CDE's oversight activities.

ATTACHMENTS

Attachment 1: Letter Dated March 8, 2012, to Cindy Henry, Director, LVCS - Notice of Violation Pursuant to California *Education Code* Section 47607(d) (6 Pages)

ATTACHMENTS (Cont.)

Attachment 2: Written Evidence Presented by Long Valley Charter School, Documents Received Prior to April 11, 2012 ACCS Meeting (222 Pages)

Attachment 3: California Department of Education Analysis of Evidence Submitted to the State Board of Education by the Long Valley Charter School in Response to a Notice of Violation (13 Pages)

Attachment 4: Long Valley Charter School Academic Achievement and Enrollment Data (9 Pages)

Attachment 5: Draft Notice of Intent to Revoke and Notice of Facts in Support of Revocation; Notice of Public Hearing to Revoke Pursuant to California *Education Code* Section 47607(e) (5 Pages)

Attachment 6: Memorandum of Understanding between the California State Board of Education and Long Valley Charter School (69 Pages)

Attachment 7: State Board of Education History Related to Revocation and Relevant Excerpts from Statute (4 Pages)

Attachment 8: The State Board of Education July 2010 Agenda Item, Attachments, and Minutes (104 Pages)

Attachment 9: Written Evidence Submitted by Long Valley Charter School Following the April 11, 2012, ACCS Meeting (267 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

March 8, 2012

Cindy Henry, Director
Long Valley Charter School
436-965 Susan Dr.
Doyle, CA 96109

Bill Harkness, President of the Long Valley Charter School Board of Directors
Long Valley Charter School
436-965 Susan Drive
Doyle, CA 96109

Subject: Notice of Violation Pursuant to California *Education Code* (*EC*) Section 47607(d)

Dear Ms. Henry and Members of the Long Valley Charter School Board of Directors:

The State Board of Education (SBE) is aware of a number of issues indicating that Long Valley Charter School (LVCS) may have committed material violations of the conditions, standards, and procedures set forth in the charter and may have violated *Education Code (EC)* Section 47605(l). Specifically, the items of concern are as follows:

Violation of the Conditions of the Charter (*EC* Section 47607[c][1])

- **Resource Centers:** In the petition originally submitted to the SBE for approval in July 2010, LVCS provided a description of an independent study program that made no mention of separate resource centers, and tied the operation of the independent study program to the resources at the K–8 site in Doyle. The petition listed the address of the Doyle site as its only location. A condition of opening placed on LVCS by the SBE at the time of approval was that the petition include "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." The original petition and these conditions are provided as Attachment 4.

  In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written

approval of the Executive Director of the SBE, as required by the SBE Conditions on Opening and Operation. The CDE sent LVCS a Notice of Concern on June 20, 2011, regarding these resource centers to which LVCS responded with a request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the September 28, 2011, ACCS meeting and the November 9, 2011, SBE meeting. After the agenda item was posted for the ACCS meeting, LVCS withdrew the material revision request on September 28, 2011, and requested it be postponed to a later meeting.

A second Notice of Concern was issued on October 18, 2011, to which LVCS responded with a second request for a material revision of its charter to include the resource centers

- **Enrollment**: The SBE approved the LVCS charter petition with enrollment of 272 students. Per the MOU between the SBE and LVCS, changes to the charter deemed to be material amendments may not be made without SBE approval, including changes in enrollment that differ by more than 25 percent of the enrollment approved by the SBE. This condition limits LVCS to a total of 340 students. After ongoing inquiries from CDE about fluctuating enrollment during the 2010–11 school year, in June of 2011, LVCS stated that enrollment had grown to 451 pupils. In the June 20, 2011, Notice of Concern, the CDE directed LVCS to comply with the approved enrollment. Despite receiving notices from CDE and ongoing communication between LVCS and the CDE, LVCS continues to increase enrollment. At the beginning of the 2011–12 school year, LVCS stated that enrollment had grown to 510 students. In the October 18, 2011, Notice of Concern, the CDE again directed LVCS to comply with the terms of the charter. As of January 4, 2012, LVCS enrollment was reported at 498 students. Details regarding fluctuations in enrollment are provided as Attachment 5. Other than submitting a request for a material revision, LVCS has failed to address this concern and continues to enroll new students.

- **Brown Act:** The LVCS petition provides assurance that LVCS shall comply with the Brown Act. The LVCS governing board violated the Brown Act on April 21, 2010, and August 23, 2010 as follows:

    a) April 21, 2010 (Regular Meeting): The LVCS governing board made a provisional appointment of a new board member during closed session, violating its own by-laws as well as the Brown Act. The Board returned from closed session and announced it had appointed a board member, Mr. Bill Harkness.

    b) August 23, 2010 (Special Meeting): The LVCS governing board met in closed session to take action to pay contractor Skip Jones $32,000 and to pay off the entire balance of a separate invoice from Mr. Jones on October 1, 2010. There was no mention of this on the agenda for the closed session, and the action was later reported as action taken in closed session.

- **Conflict of Interest:** The LVCS petition does not address conflict of interest; however, the LVCS governing board adopted LVCS Board Policy #17 regarding conflicts of interest, which states, “zero percent of the persons serving on the Board of Directors may be ‘interested persons,” including as independent contractors. One or more members of the LVCS board may have acted in conflict with this policy as identified below.

1. The LVCS board took the following actions regarding a building remodeled in the summer of 2010 that was intended to be used by LVCS. (Days prior to school opening in 2010, LVCS regained its lease with the Fort Sage Unified School District, and as a result, did not use the remodeled building for its site-based program as intended.

   a) June 21, 2010, Board Member Harkness voted for the school to sign a contract with building contractor, Mr. Jones. Board Member Harkness is a subcontractor for Mr. Jones and, therefore, may have had a financial interest in the contract.

   b) June 29, 2010, Board Member Harkness voted in favor to expand the scope of the remodel project. Because Board Member Harkness may have been working on the project, he may have had a financial interest in the expansion of the scope of the project.

   c) August 23, 2010, Board Member Harkness voted in favor to have LVCS pay all of the school remodel expenditures in full. Note: the original remodel project bid was $44,000; by the end of the project, LVCS spent approximately $165,000. The CDE believes that Board Member Harkness may have had a financial interest.

2. In addition, on August 12, 2010, the LVCS board approved the purchase of 112 acres of undeveloped land, which was apparently owned by an LVCS employee who may have had a financial interest in the transaction.

   In response to the CDE’s concerns regarding actions taken by the LVCS governing board, on October 27, 2011, LVCS delivered a request for a material revision of the charter that also included information about board trainings and a board evaluation conducted by an outside contractor. However, the CDE did not find evidence that all board members participated in the training or that the training included information about conflict of interest or the Brown Act, as handouts included in the binder advised that each state had different laws regarding open meetings. The handouts did not specifically reference any California law. In addition, the recommendations made by the outside contractor included, among other things, the need for internal fiscal controls and greater transparency regarding board actions. However, as of January 26, 2012, no evidence has been provided that the LVCS board acted to address any of the findings made by the outside evaluator.

- **Fiscal Capacity:** The LVCS petition describes a position of Financial Director/Business Advisor who acts as co-director and controller of all financial activities, as well as other duties. LVCS released its Financial Director/Business Advisor on October 19, 2010. LVCS has contracted for outside services that address some of the duties assigned to this position, but to date has not filled this position. In a letter of response dated July 22, 2011, LVCS describes the redistribution of fiscal duties to other personnel, including the education director. However, the CDE has serious concerns regarding a lack of fiscal capacity as it seems unreasonable that one staff member can effectively conduct the duties of education director and much of the fiscal director. In addition, the CDE is concerned that the LVCS staff and/or governing board has sufficient oversight of or accountability to the back office provider.

- **Teacher Qualifications:** The LVCS petition states LVCS "shall comply with all applicable portions of the No Child Left Behind Act [NCLB]," and that "all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners." In response to inquiries from the CDE, LVCS has been providing evidence for determining if teachers are highly qualified. As of January 26, 2012, the CDE has determined that some LVCS teachers are not properly credentialed, highly qualified, and/or authorized to teach English learners. Specifically, the CDE finds evidence that –

    a) Some, but not all, LVCS teachers have an English learner authorization.

    b) Of the six teachers who are assigned to the site-based K–8 setting, no one is highly qualified to teach Algebra.

    c) Of the 21 teachers who teach independent study to grades kindergarten through twelve, it appears that 12 are properly credentialed and highly qualified to teach grades kindergarten through eight (K–8); however these 12 teachers may not be highly qualified for any classes in grades nine through twelve.

    d) There may not be highly qualified math teachers in grades nine through twelve at each resource center.

  The CDE continues to receive materials from LVCS regarding teacher qualifications, including the statement that LVCS is using a collaborative independent study model to ensure highly qualified teachers. However, the CDE has not yet been able to resolve these issues and/or determine if the program offered matches the collaborative model as described.

- **Independent Study Program**: The independent study educational program described in the LVCS petition relies on students' access to resources at the LVCS site-based program. Program objectives described in the petition include sharing the on-site resources after school hours, sharing community outreach programs and

assemblies, and participating in extracurricular activities at the site-based Long Valley Charter School. LVCS has enrolled students who are not in reasonable proximity to the LVCS campus and cannot reasonably utilize the resources described in the petition for independent study students. In addition, it is not clear whether the teachers administering the independent study program have access to the teacher training and development activities described in the petition.

In response to the CDE's letters of concern, LVCS is requesting a material revision of its charter to seek authorization to operate independent study resource centers separate from the facility in Doyle, where the site-based program is located.

Violation of Law (*EC* Section 47607[c][4])

- **Teacher Credentials:** In addition to issues regarding whether teachers are deemed highly qualified under the Elementary and Secondary Education Act, the CDE is concerned that not all LVCS teachers possess the proper certificates or permits required by *EC* Section 47605(l). The CDE has been unable to verify the credential of at least one teacher and has been unable to verify whether English learner pupils have been assigned to teachers who have authorization to teach English learners.

Pursuant to *California Code of Regulations*, Title 5, Section 11968.5.2, if the LVCS governing board chooses to respond, it shall take 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 shall be due by the end of the remedy period identified in the Notice of Violation.

(2) Attach to its written response supporting evidence of the refutation, remedial action, 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 may provide grounds sufficient to form the basis for an action to revoke the LVCS charter pursuant to *EC* Section 47607(c). On **May 9, 2012**, 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 **May 10, 2012**, at which time the SBE will determine whether sufficient evidence exists to revoke LVCS's charter. This letter serves as a formal Notice of Violation, pursuant to *EC* Section 47607(d) and *California Code of Regulations*, Title 5, Section 11968.5.2, and provides LVCS 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 by Sue Burr, Executive Director, SBE at 1430 N Street, Ste. 5111, Sacramento, CA, 95814 no later than the close of business (5:00 p.m. Pacific Standard Time) **April 3, 2012.**

If you have any questions regarding this subject, please contact Sue Burr, Executive Director, California State Board of Education, by phone at 916-319-0827 or by e-mail at sburr@cde.ca.gov.

Sincerely,

Michael W. Kirst

Dr. Michael Kirst, President
California State Board of Education

California Department of Education
Analysis of Evidence Submitted to the State Board of Education by the Long Valley Charter School in Response to a Notice of Violation

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
RESOURCE CENTERS In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written approval of the State Board of Education (SBE), as required by the SBE Conditions on Opening and Operation.	**Proposed Remedy** On February 24, 2012, LVCS submitted a proposed material revision to the LVCS charter, which adds resource centers in Portola (Plumas County), Cottonwood (Shasta County), and Susanville (Lassen County), and a proposed resource center in Redding (Shasta County).	While the resource centers are mentioned in the revised LVCS petition, the California Department of Education (CDE) has safety and compliance concerns of the unauthorized but currently open resource centers (see SBE Item 07). If the SBE approves the addition of the resource centers, the violation will be cured.
ENROLLMENT The SBE approved LVCS petition has stated LVCS having an enrollment of 107 students in the site based program and 165 students in the independent study program for a total of 272 students. Based on the most recent attendance reporting submitted to the CDE, LVCS has a total of 498 students, 46	**Proposed Remedy** The proposed material revision to the LVCS charter would increase the maximum total enrollment on any given school day to a monthly average maximum enrollment of 525 in 2011-12; 550 in 2012–13; 575 in 2013–14; and 600 in 2014–15.	While an enrollment growth plan is described in the revised LVCS petition, the CDE determines that the revised petition does not meet the requirements for a sound educational practice nor has the ability to successfully implement the intended program as more fully described in Item 7. If the SBE approves the material revision, the violation will be cured.

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
percent over SBE authorized enrollment capacity.		
BROWN ACT LVCS board violated the Brown Act 4/21/10 and 4/23/10 by using a closed session to discuss school business. 1) A new board member appointment 2) Pay contractor Skip Jones	**Remedies** a) The LVCS Board President attended training from the California Charter School Association on 11/30/10. b) LVCS Board members Harkness, Wells, Anderson, and Gotcher attended training at the County Office of Education on 1/16/11. c) The LVCS Board attended Brown Act and Conflicts of Interest training provided by Middleton, Young and Minney (MYM), LLP on 2/17/12.	The LVCS petition provides assurances of complying with the Brown Act and commits to annual training. The CDE staff received MYM training on Brown Act and Conflict of Interest as reflected in LVCS board minutes 02/17/12. Materials and a sign in sheet indicate 100% participation were submitted. The CDE finds the remedy acceptable.
CONFLICT OF INTEREST One or more members of the LVCS board may have acted in conflict with LVCS board Policy #17 regarding conflicts of interest: a) Building Remodel (1) 6/21/10: Bill Harkness voted on contract with	**Remedies** a) LVCS Board attended conflicts training by Education Synergy Consulting on 9/24/11. b) LVCS Board members Harkness, Wells, Anderson, and Gotcher attended training at the County Office of Education on 1/16/11. c) The LVCS Board attended Brown Act and Conflicts of Interest training provided by MYM, LLP on 2/17/12.	The LVCS petition provides assurances of complying with the conflict of interest and commits to annual training. The CDE staff did receive MYM training on Brown Act and Conflict of Interest as reflected in LVCS board minutes 02/17/12; materials and a sign in sheet indicate 100% participation were submitted.

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
Contractor Skip Jones when he is typically the subcontractor for Skip Jones. (2) 6/29/10: Bill Harkness voted to expand project. (3) 8/23/10: Bill Harkness voted to pay in full. b) 8/12/10: LVCS Board approved the purchase of 112 acres of undeveloped land which was owned by an LVCS employee, who may have had a financial interest in the transaction	**Refutations** a)Regarding the alleged August 23, 2010 violation, the CDE has failed to establish that the board member had any financial interest in the project, stating: The CDE believes that board member Harkness may have had a financial interest Thus, the CDE has not presented a concrete allegation to which we can respond. We also note that ultimately the LVCS Board did not utilize the facility at issue. LVCS is aware, however, that even a perception of impropriety should be handled by disclosure and recusal of the board member from the board meeting. Further, LVCS has taken these allegations seriously and has in fact taken actions to ensure full compliance with all Brown Act and governing board duties and responsibilities, including conflicts of interest requirements, through comprehensive training. Lastly, it is LVCS's understanding that the District Attorney has investigated Bill Harkness's involvement in the building remodel. To this date, LVCS has not been notified of a wrongdoing; and to our knowledge, the District Attorney would have reported findings to LVCS by now if it had found any wrongdoing.	The CDE finds the remedy acceptable.

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
	b) The August 12, 2010 allegation involved a purchase of land from the husband of a LVCS teacher's aide who is no longer employed at LVCS. The aide was only employed in 2010-11 at LVCS. The LVCS Board's purchase was clearly an arms-length transaction as the landowners were not a part of the LVCS Board and not a part of the Board's decision-making and vote. **Proposed Remedy** The LVCS Board is scheduled to consider and adopt a Conflicts Code at its regularly scheduled meeting on April 17, 2012.	

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
FISCAL CAPACITY The LVCS Board released the Financial Director/Business Advisor on October 19, 2010. LVCS hired an outside contractor and redistributed duties to the outside contractor and Director, Cindy Henry. a) Concern with lack of fiscal capacity of one staff member. b) Concern whether LVCS staff and/or governing board has sufficient oversight of, or accountability to, the back office provider.	LVCS hired Charter School Management Corporation ("CSMC") for back office services. This is also reflected in the LVCS charter material revision: "Long Valley Charter School currently utilizes the Charter School Management Corporation ("CSMC") for back office services. In future years, should the Board of Directors find that Long Valley Charter School could obtain financial and HR services in-house through its own personnel, meeting the same qualifications or better than CSMC for similar or better services at similar or better cost to the Charter School the Charter School shall consider bringing the requested services in-house." **Refutations** a) LVCS utilizes two Assistant Directors, located in Shasta County and Plumas County, who are not mentioned by the CDE and who are part of the three-member administrative team along with the Education Director. Thus the Education Director is sufficiently capable to perform all assigned duties and responsibilities as reflected in the charter material revision (pp. 36-37). b) LVCS demonstrates strong fiscal capacity. The school's 2010–11 audit was unqualified and contained no findings and the LVCS Board has a Strategic Plan which it adopted in	The LVCS petition states that the LVCS board will oversee the Charter School's financial affairs. The Educational Director will be responsible for: • Overseeing a contract between the Board of Directors and a back office service provider for all fiscal and HR services. Long Valley Charter School currently utilizes the CSMC for back office services. CSMC currently provides the following: • Budget preparation and presentation to the Board of Directors • Preparing all legally required fiscal reports and all reports requested by the SBE/CDE • Overseeing all daily and fiscal operations of the Charter

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
	February 2012. After a challenging year, LVCS's student enrollment and staffing are now stable and have the capacity to grow further. The LVCS budget is balanced, with projections for future healthy fiscal reserves. c) LVCS is compliant with all financial reporting requirements; financial reporting is up to date and consistent. **Proposed Remedies** a) The LVCS charter material revision also includes the removal of the former Financial Director/Business Advisor position, and specifies that the Education Director shall oversee the Charter School Management Corporation (CSMC) contract and continue to administer attendance at LVCS. b) The LVCS Board approved the change in title of the position of Education Director to "Director," as noted in Footnote 5 on page 36 of the LVCS material revision, at its March 6, 2012 meeting. c) The LVCS Board is scheduled to consider and adopt Fiscal Policies at its regularly scheduled meeting on April 17, 2012.	School. • Presenting an annual financial report to the Charter School Board of Directors and the SBE and the CDE. The CDE is concerned that the LVCS relies heavily on the CSMC while staff qualifications for the school administration team do not include fiscal expertise or experience. Fiscal expertise or experience is also not found in the LVCS personnel policy or job description of the administrative assistants. Additionally, the LVCS petition states that the director shall have: • A minimum of three years of experience in independent study and five years of administrative experience in a public school setting The current educational director was appointed

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Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
		by the LVCS board in June 2011. She was appointed by the LVCS board as the interim Financial Director/Business Advisor in October 2010. Prior to these administrative experiences, she was a classroom teacher for LVCS. It appears that the current director does not have the administrative qualifications described in the LVCS petition. If the SBE approves the material revision to the charter, thus eliminating the Financial Director/Business Advisor position, and assuming LVCS continues to maintain a positive fund balance, the CDE accepts the remedy.

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
TEACHER QUALIFICATIONS Some, but not all, of LVCS teachers are not properly credentialed, highly qualified, and/or authorized to teach English learners (EL). a) Some but not all teachers have an EL authorization. b) Of 6 teachers assigned to site based K-8 setting, no one is highly qualified to teach Algebra. c) Of 21 independent study teachers in K-12, it appears that 12 teachers are not highly qualified for grades 9-12. d) There may not be highly qualified math teachers in grades 9-12 at each resource center.	**Refutations** a) All teachers are appropriately credentialed according to their teaching assignments. b) Highly-qualified math teachers are assigned at each LVCS resource center for grades 9-12. **Proposed Remedies** a) The material revision to the LVCS charter includes the following: A commitment to appropriate teacher assignments; an assurance regarding highly qualified status in accordance with applicable NCLB provisions; and that all teachers of English Learners will be appropriately credentialed to serve English Learners, with a CLAD, BCLAD or other equivalent CTC recognized EL certification. b) LVCS makes the following assurance in accordance with the proposed material revision: No teachers will be offered a contract next year unless appropriately EL authorized. All teachers that are not currently EL-authorized will be applying for emergency EL credentials by June 1, which will provide teachers one year to take the test or complete all required coursework to obtain EL authorization. Currently three teachers are not EL authorized;	The LVCS petition states an assurance regarding highly qualified teachers, LVCS also indicated at the April 11, 2012 ACCS meeting that all LVCS teachers were highly qualified. Further, LVCS submitted documentation indicating that all of their teachers are highly qualified on April 20, 2012. The CDE received a WASC report on April 18, 2012 indicating that not all LVCS teachers were highly qualified. Documents submitted on April 20, 2012 were incomplete and lacked signatures. The CDE worked with LVCS to get the missing documents and signatures. In the analysis the CDE found rosters and master schedules to be conflicting and inconsistent, thereby making verification difficult to determine. The CDE was able to conclude that at least

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
	however none have EL students assigned to them. Currently there are less than 3 EL students attending LVCS. c) A credentialing analyst is working with LVCS to further investigate the highly qualified teacher-status in grades 9-12. In the meantime, LVCS has reassigned 9-12 students to single subject teachers who collaborate with other single subject teachers. d) The 8th grade Algebra teacher (classroom-based) is preparing to take the CSET for Algebra this summer, in order to obtain highly qualified status prior to the 2012-13 school year. There is only one 8th grade class at the Doyle site. In the interim, the teacher collaborates with an LVCS independent study teacher who is highly-qualified in math. e) The LVCS Board is scheduled to consider and adopt a Plan for Highly Qualified Employees at its regularly scheduled meeting on April 17, 2012.	two teachers are not highly qualified contrary to assertions made by LVCS. LVCS submitted a Plan for Highly Qualified Employees. The plan relies on the Verification Process for Teachers in Special Settings (VPSS) to acquire highly qualified status. The VPSS program allows for up to three years from the date of assignment. Given the structure of the VPSS program, it is unlikely that LVCS teachers will be highly qualified by the start of the 2012–13 school year. Additionally, successful completion of the VPSS program is not guaranteed and may take up to three years to complete. The grade eight Algebra teacher at the site based program intends to take an exam in the summer of 2012 to become highly qualified to teach Algebra.

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
		The highly qualified teacher documents most recently submitted were incomplete and lacking authorized signatures. The CDE was unable to verify that all LVCS teachers are highly qualified due to incomplete certificates of compliance and HOUSSE documents. Further, the CDE is concerned with the contingencies of the Plan for Highly Qualified Employees because the students are not guaranteed to have access to highly qualified teachers when they start the 2012–13 school year. Based on unapproved minutes, the LVCS Plan for Highly Qualified Employees policy was tabled at their last meeting on April 17, 2012. The LVCS board did approve the submission of a Declaration of need for Fully Qualified Educators

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Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
		for the 2012-2013. This would allow for teachers without EL authorization to have a permit for next school year. At this time, the CDE does not find the remedy acceptable.
INDEPENDENT STUDY PROGRAM Program objectives described in the petition include sharing on-site resources after school hours, sharing community outreach programs and assemblies, and participating in extracurricular activities at the site based LVCS school. a) LVCS has enrolled students who are not in reasonable proximity to the LVCS campus and cannot reasonably utilize the resources described in the petition for independent study students.	**Refutations** a) Students enrolled in LVCS's Independent Study program have complete access to resources, programs, and extracurricular activities at the LVCS site-based program. For example, students participate in Lassen County-sponsored activities with LVCS's site based students, including the Literature Jamboree and Science Fair. Students engage in field trips where interested, including most recently a trip to Lassen Volcanic Park and Mt. Rose. Further, LVCS Independent Study students, through their teachers, regularly access resources from the Doyle site such as textbooks, social studies newsletters, backpacks donated by the local social services agency, and web-based educational technology. These are just a few examples. Finally, all other LVCS programs are made available at each resource center based on interest and availability within the community. For example, students	The original LVCS petition suggested a local independent study program which relied on the Doyle site for resources and extracurricular activities. The material revision strikes out that language altogether. The CDE finds this remedy acceptable contingent on SBE approval of the material revision.

Table 1: Long Valley Charter School (LVCS) appears to have committed a material violation of the conditions, standards, or procedures set forth in the charter. California *Education Code (EC)* Section 47607 [c][1]		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
b) It is not clear whether the teachers administering the independent study program have access to the teacher training and development activities described in the petition.	have the opportunity to participate in community-based soccer and basketball leagues. If travel is not feasible for participation in LVCS activities or meetings, video conference options are set up at each resource center to provide access. We also point out that students, parents, teachers and staff that live in the rural areas served by LVCS are used to driving the long distances between cities and counties in which LVCS operates, but LVCS has created a program that allows success even if such transportation is unavailable. b) Professional development activities provided at the Doyle site are duplicated at each LVCS resource center so that all staff have access. Two of LVCS's annual professional development days are dedicated to "all LVCS staff" days. **Proposed Remedy** a) The LVCS proposed charter material revision describes the resources that all non-classroom based students may access and a staff professional development calendar for 2011–12.	

Table 2: Long Valley Charter School (LVCS) Violation of Law (*EC* Section 47607[c][4])		
Concern or Request as Stated in March 8, 2012 Notice of Violation	**Summary of LVCS Response Submitted March 27, 2012**	**CDE Analysis of LVCS Response**
Teacher Credentials: The CDE is concerned that not all LVCS teachers possess the proper certificates or permits required by *EC* Section 47605(l). The CDE has been unable to verify the credential of at least one teacher and has been unable to verify whether English learner (EL) students have been assigned to teachers who have authorization to teach EL students.	**Refutations** a) All teachers are appropriately credentialed according to their teaching assignments. **Proposed Remedies** a) The material revision to the LVCS charter includes the following: a commitment to appropriate teacher assignments; an assurance regarding highly qualified status in accordance with applicable NCLB provisions; and that all teachers of EL students will be appropriately credentialed to serve EL students. b) LVCS makes the following assurance in accordance with the proposed material revision: No teachers will be offered a contract next year unless appropriately EL authorized. All teachers that are not currently EL-authorized will be applying for emergency EL credentials by June 1, which will provide teachers one year to take the test or complete all required coursework to obtain EL authorization. Currently three teachers are not EL authorized; however none have EL students assigned to them. Currently there are less than three EL students attending LVCS.	The CDE was able to verify that all teachers at LVCS are credentialed. The teacher without documentation is no longer working for LVCS. The other teacher in question had an out of state credential but is in the process of getting a California credential. This teacher does have a valid short term credential permit. The LVCS director clarified the LVCS material revision as it relates to EL students. The original petition stated that all LVCS teachers would be appropriately credentialed to serve EL students. The LVCS material revision allows for different requirements for the site based and independent study program. The site based program will require all teachers to be appropriately credentialed to serve EL students. The independent study program will require only those teachers assigned to EL students to be appropriately credentialed to serve EL students. The CDE finds the remedy acceptable.

DRAFT LETTER - NOTICE OF INTENT TO REVOKE AND NOTICE OF FACTS IN SUPPORT OF REVOCATION; NOTICE OF PUBLIC HEARING TO REVOKE
Pursuant to California *Education Code* Section 47607(e)

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

May 9, 2012

Cindy Henry
Education Director of the Long Valley Charter School
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Bill Harkness
President of the Long Valley Charter School Board of Directors
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Dear Ms. Henry and Mr. Harkness:

Subject: State Board of Education's Written Notice of Intent to Revoke and Notice of Facts in Support of Revocation; Notice of Public Hearing to Revoke pursuant to California *Education Code* Section 47607(e)

This letter serves as notification that on May 9, 2012, the State Board of Education (SBE) voted to issue a Notice of Intent to Revoke and Notice of Facts in Support of Revocation of the Long Valley Charter School (LVCS) pursuant to California *Education Code (EC)* Section 47607(c). The SBE will hold a public hearing on May 10, 2012, to consider revocation of the LVCS charter pursuant to *EC* Section 47607(e).

EC Section 47607(c) provides that a school's 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:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of the law.

The SBE issued a Notice of Violation dated March 8, 2012, informing the LVCS that it may have violated *EC* Section 47607(c)(1) and (c)(4), and that these violations could be the basis for an action to revoke the LVCS charter.

The Notice provided LVCS with an opportunity to submit evidence to the SBE by April 3, 2011, that refuted, remedied, or proposed to remedy the alleged violations. LVCS was also given the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its April 11, 2012, meeting.

After consideration of the evidence presented by LVCS, the SBE concluded that LVCS has failed to refute, remedy, or propose to remedy the violations included in the Notice of Violation as follows:

Facts relating to *EC* Section 47607(c)(1) that LVCS has committed a material violation of any of the conditions, standards, or procedures set forth in the charter that may hinder its ability to open and operate in the 2012–13 school year:

Violations of the Conditions of the Charter (*EC* Section 47607[c][1])

- **Resource Centers:** In the petition originally submitted to the SBE for approval in July 2010, LVCS provided a description of an independent study program that made no mention of separate resource centers and tied the operation of the independent study program to the resources at the K–8 site in Doyle. The petition listed the address of the Doyle site as its only location. A condition of opening placed on LVCS by the SBE at the time of approval was that the petition include “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.”

  In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written approval of the Executive Director of the SBE, as required by the SBE Conditions on Opening and Operation. The LVCS intended to remedy this violation through the material revision process.

The CDE sent LVCS a Notice of Concern on June 20, 2011, regarding unauthorized resource centers to which LVCS responded with a request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the September 28, 2011, ACCS meeting and the November 9, 2011, SBE meeting. After the agenda item was posted for the ACCS meeting, LVCS withdrew the material revision request on September 28, 2011, and requested it be postponed to a later meeting.

A second Notice of Concern was issued on October 18, 2011, to which LVCS responded with a second request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the February 8, 2012, ACCS meeting and the March 8, 2012, SBE meeting. After the material revision was unanimously denied by the ACCS meeting, LVCS withdrew the material revision request prior to the March 8 SBE meeting. The CDE then received a fourth LVCS request for a material revision on February 27, 2012, to address the unauthorized resource centers. The CDE scheduled a material revision request for the April 11, 2012, ACCS meeting and the May 9, 2012, SBE meeting.

The resource centers are described in the revised LVCS petition. The CDE found that two out of the three resource centers lack a certificate of occupancy from the local city planning department for educational purposes. Additionally, two out of the three resource centers are not compliant with the Americans with Disabilities Act. The CDE staff has serious concerns over the lack of accessibility as it relates to the Americans with Disabilities Act (ADA). The CDE staff also found several safety issues. Student safety and ADA compliance are typically verified through the process of obtaining a certificate of occupancy through the local jurisdiction.

As a proposed remedy, LVCS submitted a material revision to the LVCS petition to add resource centers to the LVCS charter which was denied by the SBE on May 9, 2012. As a result, LVCS continues to operate unauthorized resource centers in violation of a condition of its charter.

- **Enrollment**: The SBE approved the LVCS charter petition with enrollment of 272 students. Per the MOU between the SBE and LVCS, changes to the charter deemed to be material amendments may not be made without SBE approval, including changes in enrollment that differ by more than 25 percent of the enrollment approved by the SBE. This condition limits LVCS to a total of 340 students. After ongoing inquiries from CDE about fluctuating enrollment during the 2010–11 school year, in June of 2011, LVCS stated that enrollment had grown to 451 pupils. In the June 20, 2011, Notice of Concern, the CDE directed LVCS to comply with the approved enrollment. Despite receiving notices from CDE and ongoing communication between LVCS and the CDE, LVCS continues to increase enrollment. At the beginning of the 2011–12 school year, LVCS stated that enrollment had grown to 510 students. In the October 18, 2011, Notice of Concern, the CDE again directed LVCS to comply with the terms of the charter. As of January 4, 2012, LVCS enrollment was reported at 498

students. Other than submitting a request for a material revision, LVCS has failed to address this concern and continues to enroll new students.

As a proposed remedy, LVCS submitted a material revision to the LVCS petition to increase enrollment which was denied by the SBE on May 9, 2012. As a result, LVCS continues to exceed maximum enrollment in violation of a condition of its charter.

- **Teacher Qualifications:** The LVCS petition states LVCS "shall comply with all applicable portions of the No Child Left Behind Act [NCLB]," and that "all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners." LVCS stated at the April 11, 2011 ACCS meeting that all teachers were highly qualified.

  While the LVCS petition states assurances regarding highly qualified teachers and LVCS claims to have all highly qualified teachers, the CDE finds LVCS continues to have teachers who are not highly qualified and who lack certification to teach English learners. LVCS submitted an incomplete set of certificates of compliance documents in January 2012. LVCS also submitted a plan to remedy and continues to submit additional documentation. However, the CDE has not been able to verify LVCS' assertion that all LVCS teachers are highly qualified. Additionally, LVCS did not submit evidence verifying that all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners.

  As a proposed remedy LVCS submitted insignificant evidence to substantiate the assertion made by LVCS that all of their teachers are highly qualified. As a result, LVCS is in violation of a condition of its charter.

NOTIFICATION OF PUBLIC HEARING:

Please be advised that, pursuant to *EC* Section 47607(e), the SBE will hold a public hearing on May 10, 2012, to discuss whether evidence exists to revoke the LVCS charter. Staff from the CDE contacted you after the SBE's action to provide notification of the public hearing on May 10, 2012.

You are encouraged to attend the SBE hearing on May 10, 2012, to present any evidence you deem necessary to assist the SBE in making its decision. You may also watch the SBE's proceedings online at: http://www.cde.ca.gov/be/ag/ag/sbelivestream.asp.

Please note that materials relative to the Board's action will be made public in accordance with the Bagley-Keene Open Meetings Act and may be viewed at: http://www.cde.ca.gov/be/ag/ag/index.asp

If you have any questions or need any additional information, please contact Susan Burr, Executive Director, California State Board of Education, by phone at 916-319-0699 or by e-mail at sburr@cde.ca.gov.

Sincerely,

Michael Kirst, President
California State Board of Education

MK:bg

cc: Susan K. Burr, Executive Director, California State Board of Education
Tom Torlakson, State Superintendent of Public Schools
Richard R. DuVarney, Superintendent, Lassen County Office of Education
Judy Cias, Chief Counsel, California State Board of Education
Amy Holloway, General Counsel, California Department of Education
Julie Baltazar, Director, California Department of Education, Charter Schools Division

State Board of Education History Related to Revocation and Relevant Excerpts from Statute

Since the inception of charter law in California, the State Board of Education (SBE) has acted four times to issue written notices pursuant to *Education Code* (*EC*) Section 47607(d) to charter schools authorized by the SBE.

In two of these cases, the charter schools successfully remedied the violations in the written notices and the SBE subsequently renewed the charters of both schools. Both of these charter schools continue to operate as SBE-authorized charter schools.

In one case, the charter school voluntarily closed prior to the SBE's consideration of evidence that may have remedied the violations.

In one case, the SBE acted to revoke the charter school.

Excerpt from *Education Code* Section 47607: Charter term; renewal; criteria; material revision of charter; revocation

(c) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

> (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
>
> (2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
>
> (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
>
> (4) Violated any provision of law.

(d) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(e) Prior to revoking a charter for failure to remedy a violation pursuant to subdivision (d), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence

exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

Excerpts from California Code of Regulations, Title 5

Article 2. General Provisions
Excerpts from Section 11965: Definitions.

For the purposes of Articles 1, 2 and 2.5, the following definitions shall apply:

….

(a)(3) "State chartering authority" is the State Board of Education (SBE) when the SBE has granted a school's charter. The SBE acts as a state chartering authority when it approves the operation of a charter school that has been denied by a local educational agency (LEA) and when it approves the operation of a state charter school pursuant to Education Code section 47605.8.

(b) "Final Decision" means the final written decision of the chartering authority to either revoke or decline to revoke a school's charter.

(c) "Notice of Appeal" means a written document notifying the county board of education or the SBE, as appropriate, that the charter school's governing body as described in the school's charter, or the district chartering authority is appealing the decision to revoke or reverse the revocation of a school's charter.

(d) "Notice of Intent to Revoke" means the written notice of a chartering authority's decision to pursue revocation of a school's charter due to the charter school's failure to remedy one or more violations identified in the Notice(s) of Violation. This notice shall identify all of the following:

(1) All evidence relied upon by the chartering authority in determining that the charter school failed to remedy a violation pursuant to this section;

(2) The date and time at which the chartering authority will hold a public hearing concerning revocation, which shall be held no more than 30 calendar days after the chartering authority issues this notice.

….

(f) “Notice of Violation” means the written notice of a chartering authority’s identification of one or more specific alleged violations by the charter school based on the grounds for revocation specified in Education Code section 47607(c). This notice shall identify all of the following:

(1) The charter school’s alleged specific material violation of a condition, standard, or procedure set out in the school’s charter pursuant to Education Code section 47607(c)(1); the specific pupil outcome(s) identified in the school’s charter that the charter school allegedly failed to meet or pursue pursuant to Education Code section 47607(c)(2); the charter school’s alleged fiscal mismanagement or specific failure to follow generally accepted accounting principles pursuant to Education Code section 47607(c)(3); or the specific provision(s) of law that the charter school allegedly failed to follow pursuant to Education Code section 47607(c)(4), as appropriate.

(2) All evidence relied upon by the chartering authority in determining the charter school engaged in any of the acts or omissions identified in subdivision (f)(1) including the date and duration of the alleged violation(s), showing the violation(s) is/are both material and uncured, and that the alleged violation(s) occurred within a reasonable period of time before a notice of violation is issued; and

(3) The period of time that the chartering authority has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying the time period that will serve as the charter school’s reasonable opportunity to remedy the identified violation(s), the chartering authority shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school’s estimation as to the anticipated remediation time.

(i) “School’s charter” is the document approved by the chartering authority, including any material revisions that have been approved by the chartering authority.

Section 11968.5.2: Charter Revocation.
This section sequentially sets forth procedures the chartering authority and the charter school’s governing body as described in the school’s charter shall complete for the revocation of a school’s charter pursuant to Education Code section 47607, except for charter revocation when the violation constitutes a severe and imminent threat to the health or safety of pupils which is subject to section 11968.5.3 rather than this section.

(a) At least 72 hours prior to any board meeting in which a chartering authority will consider issuing a Notice of Violation, the chartering authority shall provide the charter school with notice and all relevant documents related to the proposed action.

(b) The chartering authority shall deliver a Notice of Violation to the charter school’s governing body as described in the school’s charter.

(c) Upon receipt of a Notice of Violation, the charter school's governing body as described in the school's charter, if it chooses to respond, shall take the following actions:

(1) Submit to the chartering authority 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 shall be due by the end of the remedy period identified in the Notice of Violation.

(2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

(d) After conclusion of the reasonable opportunity to remedy, the chartering authority shall evaluate the response of the charter school's governing body as described in the school's charter response to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:

(1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's governing body as described in the school's charter; or

(2) Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's governing body as described in the school's charter.

(e) If the chartering authority does not act, as specified in subdivision (d), within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, the revocation process is terminated and the Notice of Violation is void.

(f) On the date and time specified in the Notice of Intent to Revoke, the chartering authority shall hold a public hearing concerning revocation. No more than 30 calendar days after the public hearing (or 60 calendar days by written mutual agreement with the charter school) the chartering authority shall issue a Final Decision.

(g) The chartering authority shall provide a copy of the Final Decision to the CDE and its county board of education (unless the county board of education is also the chartering authority), within 10 calendar days of issuing the Final Decision.

(h) If the chartering authority does not act to issue a Final Decision within the timeframe specified in subdivision (f), the revocation process is terminated and the Notice of Intent to Revoke is void.

MYM

LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

MARCH 27, 2012

VIA: E-MAIL
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Sue Burr, Executive Director
State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Re: Long Valley Charter School Response to Notice of Violation Pursuant to California Education Code Section 47607(d)

Dear Executive Director Burr:

As you know, our office represents Long Valley Charter School ("LVCS" or the "Charter School"), which, on March 8, 2012, was served a Notice of Violation by the State Board of Education pursuant to Education Code Section 47607(d) and the California Code of Regulations, Title 5, Section 11968.5.2. Herein and attached, please find LVCS's response and evidence that refutes, remedies, or proposes to remedy the alleged violations contained in the March 8, 2012, Notice of Violation. Please note that a number of the evidentiary documents referenced in the attached response have already been submitted to staff of the California Department of Education. Where appropriate, we have noted which documents have already been submitted to California Department of Education staff. If you have any questions regarding such documents, or would like additional copies, please let us know as soon as possible.

On behalf of LVCS, we appreciate your time and consideration of this response and look forward to resolution of all concerns.

Sincerely,
LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

Lisa Corr

LISA A. CORR
ATTORNEY AT LAW

Enclosures

cc: Julie Baltazar, Director, CDE Charter Schools Division (JBaltazar@cde.ca.gov)
Stephen Work, Consultant, CDE Charter Schools Division (SWork@cde.ca.gov)

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
I.	**ALLEGED VIOLATION OF THE CONDITIONS OF THE CHARTER (EDUCATION CODE SECTION 47607(c)(1))**		
#1	**RESOURCE CENTERS** LVCS operates resource centers without prior SBE approval.	Proposed Remedy On February 24, 2012, LVCS submitted a proposed material revision to the LVCS charter, which adds resource centers in Portola (Plumas County), Cottonwood (Shasta County), and Susanville (Lassen County), and a proposed resource center in Redding (Shasta County).	See February 2012 LVCS Material Revision, pp. 71-72, sent to CDE on 2/24/12.
#2	**ENROLLMENT** The SBE approved LVCS petition which stated LVCS having an enrollment of 107 students in the site based program and 165 students in the independent study program for a total of 272 students. Based on the most recent attendance reporting submitted to the CDE, LVCS has a total of 498 students.	Proposed Remedy Material revision to the LVCS charter, which increases the maximum total enrollment on any given school day to a monthly average maximum enrollment of 525 in 2011-12; 550 in 2012-13; 575 in 2013-14; and 600 in 2014-15. As noted on page 6 of the material revision: *"Long Valley Charter School recognizes that the reduction of enrollment and closure of resource centers is the most obvious cure for the concerns raised by the CDE and the ACCS. However, the Charter*	See February 2012 LVCS Material Revision, pp. 8-9, sent to CDE on 2/24/12.

[1] Also see LVCS Letter to ACCS and SBE dated February 3, 2012, *Long Valley Charter School Response to California Department of Education Proposed Recommendations to Issue a Notice of Violation Pursuant to Education Code Section 47607(d) and Deny Request for Charter Material Revision* ("LVCS 2/3/12 Response Letter"), which is incorporated herein for all LVCS responses as Exhibit A.

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
		School seeks this material revision in lieu of reducing enrollment and closing resource centers for the following reasons: *1) The Charter School does not believe that disenrollment of pupils already enrolled in the school is a legal option and does not meet the best interest of the pupils enrolled in the Charter School.* *2) The Charter School believes that the charter school is stronger both academically and fiscally due to the increased enrollment and additional resource centers serving its students;* *3) The Charter School does not wish to impede the enrollment of students who choose to enroll in the Charter School who are otherwise legally eligible for enrollment."*	
#3	**BROWN ACT** The LVCS Board violated the Brown Act: a) 4/21/10: New board member appointment. b) 8/23/10: Inappropriately using a closed session to discuss school business to pay contractor.	<u>Remedies</u> a) The LVCS Board President attended training from the California Charter School Association on 11/30/10. b) LVCS Board members Harkness, Wells, Anderson, and Gotcher attended training at the County Office of Education on 1/16/11. c) The LVCS Board attended Brown Act and Conflicts of Interest training provided by Middleton, Young & Minney, LLP, on 2/17/12.	1. See Exhibit A, LVCS 2/3/12 Response Letter, and Attachment D. 2. See Appendix E of February 2012 LVCS Material Revision: MYM training 2/24/12 confirmation letter

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
			dated 2/24/12, and training materials, pp. 92-105, sent to CDE on 2/24/12.
#4	**CONFLICT OF INTEREST** One or more members of the LVCS Board may have acted in conflict with LVCS Board Policy #17 regarding conflicts of interest: a) Building Remodel (1) 6/21/10: Bill Harkness voted on contract with Contractor Skip Jones when he is typically subcontractor for Skip Jones. (2) 6/29/10: Bill Harkness voted to expand project. (3) 8/23/10: Bill Harkness voted to pay in full. b) 8/12/10: LVCS Board approved	<u>Remedies</u> a) LVCS Board attended conflicts training by Education Synergy Consulting on 9/24/11. b) LVCS Board members Harkness, Wells, Anderson, and Gotcher attended training at the County Office of Education on 1/16/11. c) The LVCS Board attended Brown Act and Conflicts of Interest training provided by Middleton, Young & Minney, LLP, on 2/17/12. <u>Refutations</u> a) Regarding the alleged August 23, 2010 violation, the CDE has failed to establish that the board member had any financial interest in the project, stating "The CDE believes that Board Member Harkness <u>may</u> have had a financial interest" (Emphasis added.) Thus, the CDE has not presented a concrete allegation to which we can respond. We also note that ultimately the LVCS Board did not utilize the facility at issue. LVCS is aware, however, that even a perception of impropriety should be handled by disclosure and	1. See Exhibit A, LVCS 2/3/12 Response Letter, and Attachment D. 2. See Appendix E of February 2012 LVCS Material Revision: MYM training confir-mation letter dated 2/24/12, and materials, pp. 92-105, sent to CDE on 2/24/12. 3. See draft Conflicts Code, sent to CDE on 3/26/12.

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
	the purchase of 112 acres of undeveloped land which was apparently owned by an LVCS employee, who may have had a financial interest in the transaction	recusal of the board member from the board meeting. Further, LVCS has taken these allegations seriously and has in fact taken actions to ensure full compliance with all Brown Act and governing board duties and responsibilities, including conflicts of interest requirements, through comprehensive training. Lastly, it is LVCS's understanding that the District Attorney has investigated Bill Harkness's involvement in the building remodel. To this date, LVCS has not been notified of any wrongdoing; and to our knowledge, the District Attorney would have reported findings to LVCS by now if it had found any wrongdoing. b) The August 12, 2010 allegation involved a purchase of land from the husband of a LVCS teacher's aide who is no longer employed at LVCS. The aide was only employed in 2010-11 at LVCS. The LVCS Board's purchase was clearly an arms-length transaction as the landowners were not a part of the LVCS Board and not a part of the Board's decision-making and vote. <u>Proposed Remedy</u> The LVCS Board is scheduled to consider and adopt a Conflicts Code at its regularly scheduled meeting on April 17, 2012.	
#5	**FISCAL CAPACITY**	<u>Remedy</u>	1. See February 2012 LVCS Material

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
	The LVCS Board released the Financial Director/Business Advisor on 10/19/10. LVCS hired outside contractor and redistributed duties to outside contractor and Director, Cindy Henry. a) Concern with lack of fiscal capacity of one staff member. b) Concern that LVCS staff and/or governing board has sufficient oversight of or accountability to the back office provider.	As noted by CDE, LVCS hired Charter School Management Corporation ("CSMC") for back office services. This is also reflected in the LVCS charter material revision: *"Long Valley Charter School currently utilizes the Charter School Management Corporation ("CSMC") for back office services. In future years, should the Board of Directors find that Long Valley Charter School could obtain financial and HR services in-house through its own personnel, meeting the same qualifications or better than CSMC for similar or better services at similar or better cost to the Charter School the Charter School shall consider bringing the requested services in-house."* <u>Refutations</u> a) LVCS utilizes two Assistant Directors, located in Shasta County and Plumas County, who are not mentioned by CDE and who are part of the three-member administrative team along with the Education Director. Thus the Education Director is sufficiently capable to perform all assigned duties and responsibilities as reflected in the charter material revision (pp. 36-37). b) LVCS demonstrates strong fiscal capacity. The school's 2010–11 audit was unqualified and contained no findings and the LVCS Board has a Strategic Plan which it adopted in February 2012. After a challenging year, LVCS's student enrollment and staffing are now stable and have the capacity to grow further. The LVCS	Revision, pp. 36-37, sent to CDE on 2/24/12. 2. See Exhibit A, LVCS 2/3/12 Response Letter, and Attachment H. 3. See Appendix F of February 2012 LVCS Material Revision: Financial Documents, pp. 106-185, sent to CDE on 2/24/12. 4. See draft Fiscal Policies, sent to CDE on 3/26/12.

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
		budget is balanced, with projections for future healthy fiscal reserves. c) LVCS is compliant with all financial reporting requirements; financial reporting is up to date and consistent. <u>Proposed Remedies</u> a) The LVCS charter material revision also includes the removal of the former Financial Director/Business Advisor position, and specifies that the Education Director shall oversee the CSMC contract and continue to administer attendance at LVCS. b) The LVCS Board approved the change in title of the position of Education Director to "Director," as noted in Footnote 5 on page 36 of the LVCS material revision, at its March 6, 2012 meeting. c) The LVCS Board is scheduled to consider and adopt Fiscal Policies at its regularly scheduled meeting on April 17, 2012.	
#6	**TEACHER QUALIFICATIONS** Some, but not all, of LVCS teachers are not properly credentialed, highly qualified, and/or authorized to teach English learners (EL).	<u>Refutations</u> a) All teachers are appropriately credentialed according to their teaching assignments (see Exhibit B). b) Highly-qualified math teachers are assigned at each LVCS resource center for grades 9-12 (see Exhibit B).	1. See Exhibit B, list of employees along with credentialing assignments, also sent to CDE on

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
	a) Some but not all teachers have an EL authorization. b) Of 6 teachers assigned to site-based K-8 setting, no one is highly qualified to teach Algebra. c) Of 21 independent study teachers in K-12, it appears that 12 teachers not highly qualified for grades 9-12. d) There may not be highly qualified math teachers in grades 9-12 at each resource center.	<u>Proposed Remedies</u> a) The material revision to the LVCS charter includes the following: a commitment to appropriate teacher assignments; an assurance regarding highly qualified status in accordance with applicable NCLB provisions; and that all teachers of English Learners will be appropriately credentialed to serve English Learners, with a CLAD, BCLAD or other equivalent CTC recognized EL certification. b) LVCS makes the following assurance in accordance with the proposed material revision: <u>No teachers will be offered a contract next year unless appropriately EL authorized. All teachers that are not currently EL-authorized will be applying for emergency EL credentials by June 1, which will provide teachers one year to take the test or complete all required coursework to obtain EL authorization.</u> Currently three teachers are not EL authorized; however none have EL students assigned to them. Currently there are less than 3 EL students attending LVCS. c) A credentialing analyst is working with LVCS to further investigate the highly qualified teacher-status in grades 9-12. In the meantime, LVCS has reassigned 9-12 students to single subject teachers who collaborate with other single subject teachers. d) The 8th grade Algebra teacher (classroom-based) is preparing to take the CSET for Algebra this summer, in order to obtain highly	3/7/12. 2. See February 2012 LVCS Material Revision, p. 39, sent to CDE on 2/24/12. 3. See draft Plan for Highly Qualified Employees, sent to CDE on March 26, 2012.

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
		qualified status prior to the 2012-13 school year. There is only one 8th grade class at the Doyle site. In the interim, the teacher collaborates with an LVCS independent study teacher who is highly-qualified in math. e) The LVCS Board is scheduled to consider and adopt a Plan for Highly Qualified Employees at its regularly scheduled meeting on April 17, 2012.	
#7	**INDEPENDENT STUDY PROGRAM** Program objectives described in the petition including sharing on-site resources after school hours, sharing community outreach programs and assemblies, and participating in extracurricular activities at the site-based LVCS school. a) LVCS has enrolled students who are not in reasonable proximity to the LVCS campus and cannot reasonably utilize the resources described in the petition for independent study	<u>Refutations</u> a) Students enrolled in LVCS's Independent Study program have complete access to resources, programs, and extracurricular activities at the LVCS site-based program. For example, students participate in Lassen County-sponsored activities with LVCS's site-based students, including the Literature Jamboree and Science Fair. Students engage in field trips where interested, including most recently a trip to Lassen Volcanic Park and Mt. Rose. Further, LVCS Independent Study students, through their teachers, regularly access resources from the Doyle site such as textbooks, social studies newsletters, backpacks donated by the local social services agency, and web-based educational technology. These are just a few examples. Finally, all other LVCS programs are made available at each resource center based on interest and availability within the community. For example, students have the opportunity	1. See Exhibit A, LVCS 2/3/12 Response Letter, pp. 15- 16. 2. See February 2012 LVCS Material Revision, p. 39, sent to CDE on 2/24/12. 3. See February 2012 LVCS Material Revision, pp. 29-30, Appendix A (resource center classes) and

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
	students. b) It is not clear whether the teachers administering the independent study program have access to the teacher training and development activities described in the petition.	to participate in community-based soccer and basketball leagues. If travel is not feasible for participation in LVCS activities or meetings, video conference options are set up at each resource center to provide access. We also point out that students, parents, teachers and staff that live in the rural areas served by LVCS are used to driving the long distances between cities and counties in which LVCS operates, but LVCS has created a program that allows success even if such transportation is unavailable. b) Professional development activities provided at the Doyle site are duplicated at each LVCS resource center so that all staff have access. Two of LVCS's annual professional development days are dedicated to "all LVCS staff" days. <u>Proposed Remedy</u> a) The LVCS proposed charter material revision describes the resources that all non-classroom based students may access, access and a staff professional development calendar for 2011-12.	Appendix B (Professional Development Calendar), sent to CDE on 2/24/12.
II.	**ALLEGED VIOLATION OF LAW (EDUCATION CODE SECTION 47607(c)(4))**		
#8	**TEACHER CREDENTIALS** CDE Concern: Not all LVCS	<u>Refutations</u> a) All teachers are appropriately credentialed according to their	1. See Exhibit B, list of employees

	ALLEGED VIOLATION PER MARCH 8, 2012 NOTICE OF VIOLATION	LVCS RESPONSE – REFUTATION, REMEDY OR PROPOSED REMEDY[1]	SUPPORTING EVIDENCE (IF APPLICABLE)
	teachers possess the proper certificates or permits required by *EC* Section 47605(l). a) The CDE has been unable to verify the credential of at least one teacher. b) The CDE has been unable to verify whether EL pupils have been assigned to teachers who have authorization to each ELs.	teaching assignments (see Exhibit B). <u>Proposed Remedies</u> a) The material revision to the LVCS charter includes the following: a commitment to appropriate teacher assignments; an assurance regarding highly qualified status in accordance with applicable NCLB provisions; and that all teachers of English Learners will be appropriately credentialed to serve English Learners, with a CLAD, BCLAD or other equivalent CTC recognized EL certification. b) LVCS makes the following assurance in accordance with the proposed material revision: <u>No teachers will be offered a contract next year unless appropriately EL authorized. All teachers that are not currently EL-authorized will be applying for emergency EL credentials by June 1, which will provide teachers one year to take the test or complete all required coursework to obtain EL authorization.</u> Currently three teachers are not EL authorized; however none have EL students assigned to them. Currently there are less than 3 EL students attending LVCS.	along with credentialing assignments, also sent to CDE on 3/7/12. 2. See February 2012 LVCS Material Revision, p. 39, sent to CDE on 2/24/12.

Exhibit A

MYM
LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

FEBRUARY 3, 2012

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Julie Baltazar
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Re: Long Valley Charter School Response to California Department of Education Proposed Recommendations to Issue a Notice of Violation Pursuant to Education Code Section 47607(d) and Deny Request for Charter Material Revision

Dear Chair Bauer, Members of the Advisory Commission on Charter Schools and Ms. Burr:

Our office represents Long Valley Charter School ("LVCS" or the "Charter School"), a charter school authorized by the State Board of Education ("SBE") in July 2010. We write today to respectfully request your consideration of the following response to the proposed recommendations of the California Department of Education ("CDE") to issue LVCS a Notice of Violation pursuant to Education Code Section 47607(d) and deny LVCS's request for a material revision, as noticed in the February 2012 Advisory Commission on Charter Schools ("ACCS") agenda Item 3.

I. EXECUTIVE SUMMARY

As detailed in full below, we believe the ACCS should recommend that the SBE approve the request by LVCS for a material revision of its charter to expand its enrollment and operate in additional resource centers; and should not recommend the SBE issue a Notice of Violation pursuant to Education Code Section 47607(d). The CDE's staff report has such a devastating impact on LVCS pupils and personnel, and therefore, we feel it is crucial to respond thoroughly. However, we recognize that this

letter is long and detailed and therefore, provide the following Executive Summary with the hope of making it more digestible.

The most critical and over-riding response by LVCS is simply as follows:

"LVCS recognizes the error it has made in over-enrolling students and opening additional resource centers without seeking the permission of the State Board of Education. It wishes to ensure both the CDE and SBE that LVCS is a fiscally viable, responsibly governed, strongly administered, academically successful public school which serves a rural population that seeks the choices it offers. LVCS hopes that the SBE will allow it to make amends for its error in a way that does not impact students and personnel by approving the material revision with whatever conditions the SBE deems necessary to feel confident that LVCS is held accountable for future compliance."

- **<u>The California Department of Education Staff Report and Recommendation to Issue a Notice of Violation is Procedurally Defective and Ignores Relevant Facts and the Law</u>**

A. The California Department of Education Staff Report and Recommendation States Multiple Invalid Bases for Revocation

1. The Alleged Violations Regarding the Resource Centers and Enrollment Growth Do Not Allege Violations of the Charter School's Charter as Required by Education Code Section 47607(c).
2. The Alleged Violations Regarding the Brown Act and Conflicts of Interest Allegedly Occurred Prior to Long Valley Charter School's Approval by the State Board of Education in July 2010.
3. The Fiscal Capacity of Long Valley Charter School is Strong and Demonstrates the Charter School's Sustainability.
4. The Charter School Utilizes, CSMC, an Experienced Back-Office Service Provider for Business Services.
5. All of Long Valley Charter School's Teachers Meet Proper Credentialing Qualifications Pursuant to its Charter and the Law.
6. The Charter School has Three Strong Administrators.
7. The Long Valley Charter School Independent Study Program Operates in Compliance with the Charter.

B. The California Department of Education Staff Report and Recommendation Ignores Relevant Facts and the Law

1. The Additional Resource Centers are Legally Permissible.
2. By Law, the State Board of Education Cannot Impede Enrollment Growth of its Authorized Charter Schools.

3. The California Department of Education's Proposed Remedy to Dis-enroll Students is Against Public Policy and Would Lead to Absurd Results.

- **The California Department of Education's Recommendation of Denial of the Long Valley Charter School Material Revision Fails to Follow the Applicable Legal Standard and Lacks Facts to Support Legally Compliant Findings Pursuant to the Standards and Criteria of Education Code Section 47605**

A. The California Department of Education Staff Report and Recommendation of Denial is Not Based on the Material Revision Request That Long Valley Charter School Submitted on October 31, 2011.

B. The California Department of Education Staff Report and Recommendation for Denial of the Long Valley Charter School Request for a Material Revision are in Direct Conflict with the Findings Made by the California Department of Education About the Substantively Identical Long Valley Charter School Charter Petition the California Department of Education Recommended for Approval in July 2010.

C. The California Department of Education Staff Report and Recommendation for Denial of the Long Valley Charter School Request for a Material Revision Does Not Comply with the Standards and Criteria of Education Code Section 47605, and Lacks Facts to Support Legally Compliant Findings.

D. The Applicable Legal Standard Encourages Approval of the Material Revision Request Submitted to the California Department of Education on October 31, 2011

E. By Law, the State Board of Education Cannot Impede the Growth of Long Valley Charter School

F. Denial of the Long Valley Charter School Material Revision Request Will Have a Devastating Impact on the Charter School

II. CLARIFICATION REGARDING CHARTER ATTACHED TO AGENDA

At the outset, we wish to explain the track-changes that appear in Attachment 1 to the ACCS agenda Item 3, the LVCS charter material revision. Attachment 1 includes three colors of "redlined" text. The red and purple text represents changes submitted by LVCS to the CDE in November 2010 to comply with the CDE/SBE conditions and technical amendments when the charter was approved by the SBE in July 2010. The red and purple text does not represent nor has it ever represented a material revision request from LVCS. As you know, CDE staff typically include standard language in charter petition agenda items, which recommends that "the SBE incorporate the following provisions in its approval action…" The CDE's July 2010 staff report

recommending approval of the LVCS charter renewal petition stated the following recommendations, in pertinent part:[1]

- Modifications to the charter in accordance with the CDE report as set forth in detail in Attachment 2, and as follows:
    - Description of Educational Program, California *Education Code* (*EC)* Section 47605(b)(5)(A) and *California Code of Regulations*, Title 5 (5 *CCR)*, Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program

Following the SBE's approval of the LVCS charter in July 2010, LVCS submitted the required charter modifications to the CDE in November 2010. After submittal, the LVCS received no feedback from CDE staff. The red and purple text in Attachment 1, which represent the November 2010 charter modifications, are thus considered part of the "final charter" as originally approved by the SBE in July 2010. The SBE already approved this language in July 2010 and it is therefore not at issue here.

The language requesting the material revision, however, is represented in the blue text in Attachment 1. The blue text includes the limited changes that serve as the October 31, 2011 LVCS material revision request, which only appear on pages 7, 11, 12, 13, and 67 of the proposed material revision. As noted in the previous section and in LVCS's October 31, 2011 letter to the CDE, the LVCS material revision has a limited purpose: to identify all currently operating resource centers, and specify an anticipated student population growth plan, discussed in detail herein. When the material revision was submitted on October 31st, LVCS submitted a clean version of the November 2010 charter with solely the changes shown in blue. Subsequently, the CDE asked us to provide them a version that also showed via "track changes" the technical amendments done in November 2010. In providing that document, the track changes showed the November 2010 technical amendments in red (for changes input by our Office) and purple (for changes input by LVCS). At that time, LVCS also had discussion with the CDE about re-opening a former resource center in Redding. The CDE suggested that LVCS include that Redding resource center as part of the material revision request. As such, on page 68 of the charter, you will see a note that a possible new resource center will be located in Redding if approved as part of the material revision. Confusingly, this shows in red text as it was input by our Office. We apologize for that confusion.

To briefly summarize:

[1] See SBE July 14-15, 2010 meeting agenda, Item 19, Attachment 2: http://www.cde.ca.gov/be/ag/ag/yr10/agenda201007.asp (Accessed February 1, 2012).

TEXT	SUBMISSION
Blue Text	Requested Material Revision October 31, 2011
Sentence on Page 58 Regarding Future Redding Resource Center	Requested Material Revision
All Other **Red** or **Purple** Text	Technical Amendments Made November 2010 in Response to July 2010 SBE approval

III. BACKGROUND

We believe the following information provides important context to this matter and demonstrates LVCS's repeated attempts to work with the CDE to resolve every concern and issue that has been brought to LVCS's attention.

LVCS opened in 2000 as a conversion charter school under the oversight of the Fort Sage Unified School District until January 2010, when the district denied renewal of the LVCS charter. Following denial by the Lassen County Board of Education, LVCS submitted an appeal of the charter's non-renewal to the SBE. On July 14, 2010, the SBE approved the authorization of LVCS under the SBE's oversight by unanimous vote, 7 in favor and 0 against, following a unanimous recommendation of approval from the ACCS and positive recommendation from the CDE staff.[2] LVCS experienced a challenging 2010–11 school year, due in part to staff turnover and the former LVCS' Director's lack of communication with its new SBE authorizer.[3]

In November 2010, five former LVCS teachers resigned from the Charter School to teach at Mt. Lassen Charter School (Fort Sage School District's newly established charter), taking with them approximately 100 students from LVCS's Independent Student program. From November 12-30, 2010, CDE staff, acting in its oversight capacity on behalf of the SBE, encouraged LVCS to replace lost enrollment and/or revise its budget to ensure the school's fiscal viability. LVCS thereafter submitted a "worst case" budget to the CDE. On December 1, 2010, two teachers then resigned from their assignments at the LVCS Alturas resource center to teach at the Mt. Lassen Charter School, and Fort Sage Unified School District assumed LVCS's lease of the Alturas resource center. At that same time, the Westwood Charter School was closing resource centers to

[2] See SBE July 14-15 agenda item 19 and final minutes at http://www.cde.ca.gov/be/ag/ag/yr10/agenda201007.asp and http://www.cde.ca.gov/be/mt/ms/documents/finalminutes071410.doc, respectively. (Accessed on January 31, 2012).

[3] It is important to note that LVCS recognizes that during this time, the CDE was extremely frustrated with the former LVCS Director, and thus also LVCS. The LVCS Board replaced the former Director with the current Education Director, Cindy Henry, on July 20, 2011 (who was hired as Interim Director on June 14, 2011). The CDE has not raised any issues regarding lack of communication between LVCS and the CDE since that time. However, LVCS believes that it has not yet recovered its relationship with the CDE and hopes with the conditions expressed herein to re-earn the CDE's trust.

come into compliance with Education Code Section 47605.1(c)[4]. As a result the teachers and students from those closing resource centers were looking for other public school opportunities; at the same time, LVCS was doing outreach to attract new students. LVCS met with the group and agreed that it was a great fit for the teachers and students. As a result, on December 10, 2010, LVCS hired nine teachers and enrolled approximately 175 new students to the LVCS Independent Study program, and also opened resource centers in Cottonwood, Redding[5], and Portola, California.

A. <u>First Letter of Concern – June 20, 2011 – and LVCS Response</u>

LVCS received a letter of concern from the CDE dated June 20, 2011 regarding LVCS's resource centers, student enrollment, and governance and fiscal issues. On July 7, 2011, the newly hired LVCS Education Director and LVCS counsel met with CDE staff to discuss the letter of concern. This meeting was memorialized in a letter from CDE staff dated July 18, 2011, which outlined the CDE's suggested actions in order for LVCS to regain good standing as follows:

- "**Increased Enrollment**—Reduce student enrollment to conform to the terms of the charter petition and Memorandum of Understanding. According to CDE calculations, enrollment should be a maximum of 340 students.
- **Brown Act and Conflict of Interest**—Provide evidence of Brown Act and conflict of interest training for all current members of the LVCS board of directors.
- **Fiscal Capacity**—Describe how the LVCS board of directors will account for the duties of the position of Financial Director/Business Advisor.
- **Graduation Policy**—Rescind the new graduation policy and reinstate the original graduation policy approved by the SBE."

On July 21, 2011, LVCS responded in full to each of the CDE's suggested actions by (1) submitting a request for a material revision of the charter petition to increase enrollment as allowed under Education Code Section 47605(d)(2)(C) (See further discussion, below), and to avoid the displacement of many highly-valued teachers and hundreds of charter school students; (2) scheduling a comprehensive governing board training for September 24, 2011 on the Brown Act and conflict of interest, process analysis and improvement, and strategic planning, with Education Synergy Consulting; (3) providing a breakdown of the duties of the former Financial Director/Business Advisor position as split between the newly hired third-party business services provider, Charter School Management Corporation, and the LVCS Education Director, with a majority of duties assigned to the former; and (4) confirming that the LVCS Board had rescinded

[4] Limitations on locations of resource centers in adjacent counties.
[5] Note that the Redding resource center is not open. In a letter dated October 27, 2011 to the CDE, LVCS clarified that, "LVCS has closed the Redding resource center, and will not re-open it unless and until prior approval is obtained from the CDE and SBE." [Original footnote.]

the May 10, 2011 graduation policy and reinstatement of the original graduation policy approved by the SBE.

On August 2, 2011, the CDE notified LVCS that it must resubmit its proposed material revision along with any supporting documentation and a narrative explaining the need for the material revision by August 18, 2011 in order for the item to be considered by the SBE at its November 2011 meeting. LVCS submitted the requested documentation on August 18, 2011 and began planning for the September 28, 2011 ACCS meeting. On September 26, 2011, however, LVCS requested the material revision be removed from the ACCS agenda for two reasons: (1) inaccurate information that was posted regarding LVCS's Program Improvement status (the posting stated LVCS was in Year 1 of Program Improvement, when LVCS is not in Program Improvement. This has since been corrected); and (2) additional time to respond to the CDE staff's unexpected recommendation of denial of the material revision request. Also on September 26, 2011, LVCS requested a meeting with CDE staff with the purpose of considering the conditions under which the CDE would be comfortable with the material revision request. As of the date of this letter, the CDE has not agreed to this request despite LVCS's repeated requests and phone calls to meet with its authorizer.

B. <u>Second Notice of Concern – October 25, 2011 – and LVCS Response</u>

By letter dated October 25, 2011, the CDE sent LVCS a second letter of concern about LVCS's resource centers, student enrollment, and the LVCS Independent Study program. The CDE also requested LVCS provide evidence that the LVCS board of directors will comply with the following actions and timelines no later than November 10, 2011:

- "A letter must be sent to all families of currently enrolled students and staff that may be affected by this change no later than **March 2, 2012**, that describes the possible closure of unauthorized resource centers.
- Resource centers outside of Lassen County cease to operate no later than **June 29, 2012**, unless the SBE approves a material revision to the LVCS charter that includes a revised plan for independent study and locations of resource centers.
- Student enrollment must not exceed the conditions set forth by the MOU, specifically no more than 340 students no later than **June 29, 2012**, unless the SBE approves a material revision of the LVCS charter that includes new enrollment targets and a supporting budget with cash flow projections."

On October 27, 2011, LVCS responded to the CDE's second letter of concern with over 100 pages of information and documentation proposing a resolution to each of the CDE's concerns (See Attachment A[6]). The cover letter to this packet, which was not included in the

[6] Attachment A includes only the cover letter to this packet, dated October 27, 2011. LVCS emailed all ACCS members the complete packet with all exhibits on January 30, 3012, along with a timeline, testimonials, and

ACCS's meeting materials for its February 2012 meeting nor referenced in the CDE staff report, stated in pertinent part:

> "… The Charter School recognizes that it failed to seek approval of a material revision of its charter school prior to the opening of the Cottonwood, Redding,[7] and Portola resource centers and prior to enrolling 140 additional students for 2011-12 as required by the MOU.
>
> The Charter School realizes the huge impact its mistake could have on 140 currently enrolled students and 13 employees, all of whom are doing well within the new and improved Long Valley Charter School family. The Charter School has spent some time considering a plan that could resolve the concerns of the CDE and SBE without the impact on the students and employees. The following proposal provides for an opportunity for the Charter School to demonstrate its ability to successfully operate these additional resource centers and serve its additional population…"
>
> In the same letter, LVCS proposed resolutions to the CDE's concerns regarding:
>
> 1. **Board Capacity**, including: (1) Exhibit A, an LVCS Board resolution recognizing and formally apologizing for its errors, recognizing the impact its errors had on its own students and employees, and authorizing Cindy Henry to resubmit its request for a material revision; (2) Exhibit B, Board training materials; (3) Exhibit C, a letter that was sent to all SBE-authorized charter school explaining how critical it is to comply with the terms of the MOU and the major impact the actions of the LVCS Board had on the survival of the charter school.
>
> 2. **Educational Program**, including: (1) Exhibit D, the redline version of the charter's educational program; (2) video linkages to all courses taught at the Charter School, available in all LVCS resource centers; (3) descriptions of the Cottonwood and Portola resource centers, along with schedules, illustrating the learning and activities that take place at those locations; (4) a YouTube video demonstrating the learning and activities that take place in a resource center; and (5) Exhibit E, a benchmark report showing the results of the first testing from Scantron Performance Series.
>
> 3. **Reporting** (fiscal, board governance, and educational program monitoring), including a proposal to send the following reports to the CDE ***in addition to those already required in the MOU***:

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strategic plan. The same was also mailed to SBE Member Williams on January 3, 2012. Please contact us at your earliest convenience if you did not receive this documentation from LVCS.

[7] "LVCS has closed the Redding resource center, and will not re-open it unless and until prior approval is obtained from the CDE and SBE." [Original footnote.]

a. A minimum of four reports per year on benchmark assessments, pulled from DataDirector.
b. Monthly student enrollment report.
c. All agendas, minutes, and board packets for monthly Board of Directors meetings.
d. Monthly financial reports.
e. A reporting on the educational program for each trimester, which would include but not be limited to, student achievement data, updates with regard to improvements within the resource centers, and any other info requested by the California Department of Education.

LVCS also requested that the CDE visit the resource centers and observe the learning that is occurring at each learning center. Finally, LVCS recognized "the commitments made herein as fully incorporated material provisions of the charter. As such, any violation of a commitment shall subject the Charter School to possible revocation action pursuant to Education Code Section 47607." We believe that those commitments could serve as conditions to the approval of the material revision by the SBE.

Finally, on October 31, 2011, LVCS submitted to the CDE a revised request for a material revision of its charter to identify all currently operating resource centers, specify an anticipated student population growth plan, and clarify that "the site-based and independent study programs at LVCS are not distinct from one another – they are one unified educational program." (See Attachment B).[8,9] Once again, LVCS included a request to meet with CDE to discuss the proposed material revision as well as steps already undertaken by LVCS to further address the CDE's concerns to ensure resolution to the CDE's satisfaction.[10] To date, the CDE has not contacted LVCS to schedule a meeting nor notify LVCS that its October 27 "Resolution Letter" was insufficient to address the CDE's concerns. Instead, LVCS was disappointed to learn of the CDE's apparent dissatisfaction with LVCS's repeated attempts to regain good standing with its authorizer when it received notice of the ACCS's February 2012 meeting agenda and the contents of Item 3, addressed below.

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[8] To avoid confusion, Attachment B includes only the cover letter to this submission, dated October 27, 2011. The original submission included the charter petition as an enclosure.

[9] Subsequently, LVCS submitted another version of the material revision to the CDE by letter and attachment dated November 2, 2011, at the CDE's request, indicating that "pages 7, 11, 12, 13, and 67 of the proposed material revision have been revised to reflect LVCS's material revision request. The changes are shown in redline form for the ease of your review. The remaining charter content has not been altered." (See Attachment C for cover letter). The CDE then requested that the charter include separate redlining to reflect the original changes made and submitted to the CDE in November 2010 to comply with the CDE/SBE conditions and technical amendments (see Footnote 1), which LVCS submitted to the CDE on November 4, 2011, and is included as Attachment 1 to the ACCS February 2012 agenda materials for Item 3.

[10] LVCS also requested a meeting in its November 2, 2011 letter to the CDE, stating "I look forward to setting up a meeting with you to discuss the LVCS material revision and the steps already undertaken to address the CDE's concerns."

IV. THE CALIFORNIA DEPARTMENT OF EDUCATION STAFF REPORT AND RECOMMENDATION TO ISSUE A NOTICE OF VIOLATION IS PROCEDURALLY DEFECTIVE AND IGNORES RELEVANT FACTS AND THE LAW[11]

A. The California Department of Education Staff Report and Recommendation States Multiple Invalid Bases for Revocation

The CDE staff report states that the CDE proposes to recommend that the SBE issue a Notice of Violation pursuant to Education Code Section 47607(d) "because the CDE believes that LVCS has committed material violations of the conditions, standards, and/or procedures set forth in the charter and has violated *EC* Section 47605(l)… The CDE believes that evidence exists to support the finding that LVCS committed material violations and violated other provisions as described below." In sum, these alleged violations are stated as follows:

Violations of the Conditions of the Charter (Education Code Section 47607(c)(1))

- Resource Centers
- Enrollment
- Brown Act
- Conflict of Interest
- Fiscal Capacity
- Teacher Qualifications
- Independent Study Program

Violations of Law (Education Code Section 47607(c)(4))

- Teacher Credentials

1. The Alleged Violations Regarding the Resource Centers and Enrollment Growth Do Not Pertain to the Charter School's Charter as Required by Education Code Section 47607(c)

The alleged violations regarding LVCS's resource centers and enrollment growth do not allege violations pertaining to the Charter School's charter as required by Education Code Section 47607(c). The CDE staff report claims that the LVCS's opening of the additional resource centers violates the SBE's Conditions on Opening and Operation, and that LVCS's increased student enrollment violates the Memorandum of Understanding ("MOU"). Please note that a violation of the Conditions on Opening and Operation or the MOU may not form the basis of a revocation of the charter school. Education Code Section 47607(c) states:

[11] We note that as of the date of this letter, the CDE has not issued a "Notice of Violation draft letter," referenced as "Attachment 1" in the CDE staff report on page 1 of Item 3 of the ACCS February 2012 agenda. We therefore reserve the right to supplement and/or amend this response upon issuance of said Notice of Violation, if any.

"(c) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the **charter**.
(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
(4) Violated any provision of law." (Emphasis added.)

Title 5 of the California Code of Regulations, Section 11965(f)(1) provides, in part, as follows:

"'Notice of Violation' means the written notice of a chartering authority's identification of one or more specific alleged violations by the charter school based on the grounds for revocation specified in Education Code section 47607(c). This notice shall identify all of the following:

(1) The charter school's alleged specific material violation of a condition, standard, or procedure **set out in the school's charter** pursuant to Education Code section 47607(c)(1); …" (5 CCR §11965(f)(1)) (Emphasis added.)

Further, we note that the Cottonwood and Portola resource centers were opened in December 2010 – over three months after the Charter School commenced operations for the 2010–11 school year. The period of time for the CDE's enforcement of the SBE's Conditions on Opening and Operation had passed by the time the resource centers had opened in December 2010, as they are "pre-opening conditions," or conditions that must be met prior to the opening of the charter school. Thus, because the additional resource centers were not in existence in September 2010 and the pre-opening conditions by definition no longer apply after the Charter School has opened, this issue is moot and is an invalid basis for revocation.

Accordingly, the alleged material violations pertaining to LVCS exceeding agreed-upon enrollment limits in the MOU, and LVCS's admitted failure to receive approval for its resource centers as required by the SBE Conditions on Opening and Operation are not violations of the Charter School's charter and are therefore not valid bases for revocation. (See further discussion on the LVCS resource centers, below).

2. The Alleged Violations Regarding the Brown Act and Conflicts of Interest Allegedly Occurred Prior to Long Valley Charter School's Approval by the State Board of Education in July 2010

Three of the six alleged violations regarding the Brown Act and conflicts of interest are also legally impermissible bases for a revocation action. Of the two Brown Act violations the CDE alleges to have occurred on April 21, 2010 and August 23, 2010, only the latter allegedly occurred during LVCS's present charter term under SBE authorization that began in July 2010. Regarding the alleged August 23, 2010 Brown Act violation, we understand that immediately prior to the August 23, 2010 LVCS Board meeting, the former LVCS Education Director had been threatened by the contractor's attorney to pay the contractor or risk litigation. LVCS misunderstood the Brown Act requirements for posting closed session meeting agenda items and the limited bases for going into closed session, and has taken action, addressed below, to prevent such occurrences in the future.

Similarly, of the four alleged conflict of interest violations, only two are alleged to have occurred during LVCS's present charter term under SBE authorization. Importantly, those two alleged violations of August 12, 2010 and August 23, 2010 are immaterial and do not present any issues of conflict of interest. The August 12, 2010 Brown Act allegation involved a purchase of land from the husband of a LVCS teacher's aide. The LVCS Board's purchase was clearly an arms-length transaction as the landowners were not a part of the LVCS Board and not a part of the Board's decision-making and vote. Regarding the alleged August 23, 2010 violation, the CDE has failed to establish that the board member had any financial interest in the project, stating "The CDE believes that Board Member Harkness <u>may</u> have had a financial interest" (Emphasis added.) Thus, the CDE has not presented a concrete allegation to which we can respond. We also note that ultimately the LVCS Board did not utilize the facility at issue.

LVCS is aware, however, that even a perception of impropriety should be handled by disclosure and recusal of the board member from the board meeting. Further, regardless of the dates of the alleged violations of the Brown Act and conflicts of interest, we do not mean to suggest that LVCS has not taken these allegations seriously and has in fact taken actions to ensure full compliance with all Brown Act, and governing board duties and responsibilities including conflicts requirements, through comprehensive training.

Contrary to statements made in the CDE staff report and recommendation, all LVCS board members have participated in governance training including the Brown Act, conflicts of interest, and best practices in board governance. The Brown Act training occurred separately from the training materials referenced in the CDE staff report. In fact, in a letter sent to the CDE dated November 30, 2010, the former LVCS Education Director confirmed that the Board President attended training from the Charter Schools Association on November 13, 2010, and Board member Wells, Harkness, Anderson, and Gotcher were scheduled to attend training at the Lassen County Office of Education on January 16, 2011. (See Attachment D). The new Board member Campbell is scheduled to attend Brown Act training on February 14, 2012.

Also contrary to the CDE staff report, four out of five LVCS board members attended comprehensive governance training on conflicts and best practices for effective governance on September 24, 2011. (See Attachment E). The training provider, Education Synergy Consulting, provided LVCS a "Best Practices Assessment Narrative and Action Plan," in December 2011,

which is referenced in the CDE staff report. (See Attachment F). Although the "Best Practices Assessment Narrative and Action Plan" was only released to LVCS just over a month ago, the LVCS Board has started the process of addressing the recommendations made to enhance and strengthen LVCS board governance. The LVCS Board plans to adopt the "Best Practices Assessment Narrative and Action Plan" as the Board's Strategic Plan in February 2012. Further, the LVCS Board has had in place a board policy on fiscal controls and general purchasing procedures since March 8, 2011, which was sent to the CDE on January 19, 2012 but not referenced in the CDE staff report and recommendation. (See Attachment G). Finally, we note that the one board member who did not attend the comprehensive governance training had not been present at any LVCS Board function since June 2011, and resigned in December 2011. New Board member Campbell is already scheduled to be trained on conflicts law and best practices for effective governance by Education Synergy Consulting on February 14, 2012.

We note the CDE staff report and recommendation fails to present evidence or factual findings based in law to demonstrate a violation occurred. Instead, the CDE staff report and recommendation appears to be based upon CDE opinion, which is legally impermissible as it is not a fact that forms substantial evidence to support its allegations.

3. The Fiscal Capacity of Long Valley Charter School is Strong and Demonstrates the Charter School's Sustainability

In LVCS's July 21, 2011, response to the CDE's first Notice of Concern, LVCS fully addressed its fiscal capacity by providing a breakdown of the duties of the former Financial Director/Business Advisor position. LVCS clarified that the former position had been split between its third-party business services provider, Charter School Management Corporation ("CSMC"), and the LVCS Education Director. The LVCS Education Director has served as the main point of contact with CSMC since their contract was signed in December 2010, and provides a "checks and balances" role between the school and CSMC. The CDE has not articulated any concern with the credentials or past performance of CSMC, and we assure you that all duties of the former Financial Director/Business Advisor position, and more, have been subsumed by this arrangement. Accordingly, this is an invalid basis for revocation.

The CDE staff report states, "… the CDE has serious concerns regarding the lack of fiscal capacity," but provides no facts or evidence to support this broad assumption. We point out that not only is this an invalid basis for revocation, but LVCS demonstrates strong fiscal capacity. The school's 2010–11 audit was unqualified and contained no findings (see Attachment H), and the LVCS Board has a Strategic Plan which it plans to adopt in February 2012. After a challenging year, LVCS's student enrollment and staffing are now stable and have the capacity to grow further. Finally, the LVCS budget is balanced, with projections for future healthy fiscal reserves.

4. All of Long Valley Charter School's Teachers Meet Proper Credentialing Qualifications Pursuant to its Charter and the Law

The CDE staff report and recommendation alleges violations of the charter and law, Education Code Section 47605(l), in its claims regarding LVCS's teachers' qualifications. Information from LVCS was sent to the CDE on January 17 and 18, 2012, upon request of the CDE staff for more information regarding teacher credentialing. LVCS sent a full response to the CDE on January 18, 2012, including a letter describing the manner in which LVCS meets the NCLB highly qualified teacher requirements for Independent Study, as defined by the "Highly Qualified Teachers in Independent Study" page on the CDE website.[12] Further, LVCS attached an Excel spreadsheet detailing each of the qualifying credentials of its independent study teachers (See Attachment I). Both the letter and the spreadsheet were not included with the February 2012 ACCS agenda materials for Item 3. Contrary to statements made in the CDE staff report, this spreadsheet documents that LVCS "compl[ies] with all applicable portions of the No Child Left Behind Act [NCLB]," and that "all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners."

The CDE staff report states it "finds evidence that –

a. Some, but not all, LVCS teachers have an English learner authorization.

b. Of the six teachers who are assigned to the site-based K–8 setting, no one is highly qualified to teach Algebra.

c. Of the 21 teachers who teach independent study to grades kindergarten through twelve, it appears that 12 are properly credentialed and highly qualified to teach grades kindergarten through eight (K–8); however these 12 teachers may not be highly qualified for any classes in grades nine through twelve.

d. There may not be highly qualified math teachers in grades nine through twelve at each resource center."

All of the above statements are false for the following reasons, as further documented in Attachment I:

a. LVCS currently has three EL students who are all placed with qualified teachers. Two students are placed with Erin Klemesrud, and one is placed with Ann Weaver. Both have authorization codes on their credentials to allow them to teach EL students. The LVCS Independent Study program ensures appropriately authorized personnel are placed at each LVCS resource center, ensuring that any EL students that enroll are appropriately placed. Please see Attachment I for LVCS's credential information, which highlights all the specific codes that allow the teaching of EL students.

[12] See http://www.cde.ca.gov/sp/eo/is/appnclbtris.asp (Accessed February 2, 2012).

b. LVCS fully complies with California Education Code Section 44258.1, which allows the holder of a credential authorizing instruction in a self-contained classroom to teach in any of grades five to eight, inclusive, in a middle school if the holder of the credential teaches two or more subject for two or more periods per day to the same group of pupils.

c. LVCS uses the "Collaborative Teaching Approach" to meet the federal requirement that all NCLB core academic subjects be taught by teachers who have demonstrated subject-matter competence for its highly-qualified teachers in the LVCS Independent Study program. This approach is further explained on the CDE website, "Highly Qualified Teachers in Independent Study," at: http://www.cde.ca.gov/sp/eo/is/appnclbtris.asp#collaborative. Please also see the LVCS cover letter to the CDE, dated January 18, 2012, in Attachment I for more information.

d. LVCS has NCLB-compliant highly qualified teachers in math at all facilities, including staff teaching students in grades 9-12 at each LVCS resource center. Please see Attachment I for more information.

Accordingly, LVCS meets all teacher qualifications requirements as stated in the LVCS charter. Thus, this is an invalid basis for revocation of the LVCS charter.

In addition, the CDE staff report and recommendation alleges LVCS has violated Education Code Section 47605(l), stating: "The CDE has been unable to verify the credential of at least one teacher and has been unable to verify whether English learner pupils have been assigned to teachers who have authorization to teach English learners." First, we note that the CDE's statements are not based on facts, evidence, or even a concrete allegation against LVCS; and thus are an invalid basis for revocation. Second, the January 18, 2011 spreadsheet LVCS sent to CDE clearly states that all LVCS teachers' credentials are compliant with the requirements of Education Code Section 47605(l). Finally, all teachers assigned to teach English learner students hold the appropriate authorization.

5. The Long Valley Charter School Independent Study Program Operates in Compliance with the Charter

The CDE's allegations regarding students' access to resources, programs, and extracurricular activities at the site-based program in Doyle are false and not based on facts, evidence, or a concrete allegation. CDE's conjecture and opinion are invalid bases for revocation.

Students enrolled in LVCS's Independent Study program have complete access to resources, programs, and extracurricular activities at the LVCS site-based program. For example, students participate in Lassen County-sponsored activities with LVCS's site-based students, including the Literature Jamboree and Science Fair. Students engage in field trips where

interested, including most recently a trip to Lassen Volcanic Park and Mt. Rose. Further, LVCW Independent Study students, through their teachers, regularly access resources from the Doyle site such as textbooks, social studies newsletters, backpacks donated by the local social services agency, and web-based educational technology. These are just a few examples. Finally, all other LVCS programs are made available at each resource center based on interest and availability within the community. For example, students have the opportunity to participate in community based soccer and basketball leagues.

The CDE claims that "LVCS has enrolled students who are not in reasonable proximity to the LVCS campus and cannot reasonably utilize the resources described in the petition for independent study students." However, families regularly participate in LVCS Board meetings and the Advisory Council. In fact, the newly elected Board member Campbell resides in Portola. If travel is not feasible for participation in LVCS activities or meetings, video conference options are set up at each resource center to provide access. We also point out that students, parents, teachers and staff that live in the rural areas served by LVCS are used to driving the long distances between cities and counties in which LVCS operates, but LVCS has created a program that allows success even if such transportation is unavailable.

Pages 9 through 11 of the LVCS charter include a complete description of the LVCS Independent Study program. Note that this description appears in red text in Attachment 1 to the ACCS February 2012 agenda, Item 3; however, as described earlier in this letter, this text is not part of LVCS's request for a material revision. This text was added by LVCS and submitted to the CDE in November 2010 to comply with the CDE/SBE conditions and technical amendments when the LVCS charter was approved by the SBE in July 2010. The CDE staff report states that, "In response to the CDE's letters of concern, LVCS is requesting a material revision of its charter to remedy this issue." However, as specified earlier herein, <u>LVCS is not requesting any substantive material revisions to its educational program</u>. Instead, LVCS has submitted a request for a material revision of its charter to identify all currently operating resource centers and specify an anticipated student population growth plan. As stated in LVCS's October 31, 2011 letter to the CDE, LVCS's intent is <u>to clarify that "the site-based and independent study programs at LVCS are not distinct from one another – they are one unified educational program</u>."

The CDE staff report also states that, "it is not clear whether the teachers administering the independent study program have access to the teacher training and development activities described in the petition." If the CDE had simply inquired about this issue with LVCS, the CDE would have discovered that professional development activities provided at the Doyle site are duplicated at each LVCS resource center so that all staff have access. Two of LVCS's annual professional development days are dedicated to "all LVCS staff" days.

Accordingly, CDE's allegations regarding LVCS's Independent Study program are an invalid basis for revocation.

B. The California Department of Education Staff Report and Recommendation Ignores Relevant Facts and the Law

1. The Additional Resource Centers are Legally Permissible

As noted earlier, LVCS has repeatedly recognized its mistake and apologized for not notifying the CDE of its plans to open additional resource centers after the opening of its school. In its October 27, 2011 letter to the CDE, LVCS states that, "The Charter School recognizes that it failed to seek approval of a material revision of its charter school prior to the opening of the Cottonwood, Redding,[13] and Portola resource centers…" The LVCS Board of Directors also passed a resolution to this effect, stating in pertinent part:[14]

> "WHEREAS, the Board of Directors of the Long Valley Charter School wishes to formally apologize for its error in opening these resource centers and increasing its population without the formal approval of its Authorizer;"

LVCS's resource centers are crucial to the LVCS Independent Study program and its ability to deliver a quality education to children in this rural part of California. As of the date of this letter, 100 students attend the resource center in Cottonwood, 114 students attend the resource center in Portola, and 176 students attend the resource center in Susanville.

The CDE has not indicated any facts or law to indicate why it disagrees with the addition of these resource centers other than the failure of LVCS to get prior permission. LVCS has invited the CDE to visit these resource centers at LVCS's cost, and thus far, only one CDE visit has occurred at the Cottonwood resource center. All LVCS facilities are properly permitted and meet the requirements of Education Code Section 47610 regarding State Building Code compliance. All facilities are connected by audio/video-feed such that students can view classes at each from another facility or from home.

2. By Law, the State Board of Education Cannot Impede the Growth of Long Valley Charter School

Education Code section 47605(d)(2)(C) states:

> "In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and <u>in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand</u>." (Emphasis added.)

[13] "LVCS has closed the Redding resource center, and will not re-open it unless and until prior approval is obtained from the CDE and SBE." [Original footnote.]
[14] See Exhibit A to Attachment A, LVCS October 27, 2011 cover letter to CDE re: LVCS Resolution of Concerns.

The demand for LVCS has led to the current enrollment of 486 students. While LVCS has recognized its failure to follow the MOU provisions requiring LVCS to seek a material revision prior to increasing its enrollment from its originally approved charter, the above-quoted law is clear that student demand drives enrollment expansion, not the Authorizer. As such, not only does LVCS's enrollment growth not provide a basis for revocation, but the SBE must make reasonable efforts to accommodate the growth of the Charter School.

3. The California Department of Education's Proposed Remedy to Dis-enroll Students is Against Public Policy and Would Lead to Absurd Results

CDE staff have repeatedly requested that LVCS "reduce its student enrollment to conform to the terms of the charter petition and Memorandum of Understanding. According to CDE calculations, enrollment should be a maximum of 340 students." (First and Second Notice of Violation). The consequences of this action, however, are against public policy and implementation would lead to absurd results. We ask, how should LVCS determine which students to dis-enroll? By reverse public random lottery? By adopting a last enrolled, first dis-enrolled policy? How should LVCS determine which teachers to release? These questions are speak to the practical reality of what is being requested; however, they may be avoided by permitting LVCS's enrollment expansion as required by law. We believe that any action on the part of LVCS to dis-enroll existing pupils to meet the 340 student cap could expose LVCS to liability.

V. THE CALIFORNIA DEPARTMENT OF EDUCATION'S RECOMMENDATION OF DENIAL OF THE LONG VALLEY CHARTER SCHOOL MATERIAL REVISION FAILS TO FOLLOW THE APPLICABLE LEGAL STANDARD AND LACKS FACTS TO SUPPORT LEGALLY COMPLIANT FINDINGS PURSUANT TO THE STANDARDS AND CRITERIA OF EDUCATION CODE SECTION 47605

A. The California Department of Education Staff Report and Recommendation of Denial is Not Based on the Material Revision Request That Long Valley Charter School Submitted on October 31, 2011

Inexplicably, all of the CDE's findings included in the CDE staff report contained in Item 3 of the ACCS February 2012 agenda do not address LVCS's October 31, 2011 request for a material revision. Instead, the CDE makes findings about the red and purple text included in Attachment 1 to the ACCS February 2012 agenda Item 3. As noted earlier herein, the red and purple text does not represent nor has it ever represented a material revision request from LVCS.

The language of LVCS's request for a material revision is represented in the blue text in Attachment 1. The blue text includes the limited changes that serve as the October 31, 2011 LVCS material revision request, which only appear on pages 7, 11, 12, 13, and 68 of the proposed material revision. As noted in the previous section and in LVCS's October 31, 2011 letter to the CDE, the LVCS material revision has a limited purpose: to identify all currently

operating resource centers and one proposed resource center, and specify an anticipated student population growth plan.

We point out that LVCS's request for a material revision was not intended as an opportunity to rewrite the entire charter petition that was just unanimously approved by the SBE a year and a half ago with a positive recommendation by the CDE. In fact, such a substantial rewriting of the charter petition would more properly be submitted during charter renewal, when LVCS will be required to first submit its petition for charter renewal to the Fort Sage School District pursuant to Education Code Section 47605(k)(3). Instead, the requested material revision is intended to serve a more narrow purpose. We argue that nothing in the Education Code requires a charter school to substantially redraft its entire education program just because it is submitting a request for a material revision intended for a narrow purpose. In fact, the only requirement of a material revision is stated in Education Code Section 47607(a)(2) as follows:

> "Renewals and material revisions of charters are governed by the standards and criteria in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed."

There have been no new laws enacted since the LVCS charter was originally granted by the SBE in July 2010 that would require an update to the charter document, thus Education Code Section 47607(a)(2) does not apply in this matter. Accordingly, LVCS has made a limited request to update its charter to ensure compliance and address previous concerns of the CDE staff.

B. The California Department of Education Staff Report and Recommendation for Denial of the Long Valley Charter School Request for a Material Revision are in Direct Conflict with the Findings Made by the California Department of Education About the Substantively Identical Long Valley Charter School Charter Petition the California Department of Education Recommended for Approval in July 2010

Because the CDE has made findings about the LVCS charter that was already approved by the SBE in July 2010 – it is important to note that the CDE's findings and recommendation for denial as presented in the ACCS February 2012 meeting agenda, Item 3, are in direct conflict with the findings made by the CDE about the substantively identical LVCS charter petition the CDE recommended for approval in July 2010. We discuss pertinent findings made by the CDE and approved by the SBE in July 2010 in the section, below. However, we note the following "Overall California Department of Education Evaluation" made regarding the LVCS charter renewal petition:[15]

[15] See SBE July 14-15, 2010 meeting agenda, Item 19, Attachment 2: http://www.cde.ca.gov/be/ag/ag/yr10/agenda201007.asp (Accessed February 1, 2012).

> "The LVCS petition includes all of the elements required under statute and regulation for the renewal of a charter school. The California Department of Education (CDE) recommends approval of the LVCS petition as the LVCS charter meets the pre-requisites for renewal under California *Education Code* (*EC*) Section 47607(b) by attaining its API growth target in the prior year, receiving a decile rank of four on the API as compared to demographically similar schools, and by exceeding the academic performance of schools its students would otherwise attend. In addition, the petition describes an educational program likely to meet the needs of pupils within the community where the school will locate; petitioners are demonstrably likely to implement the program set forth in the petition; the petition includes the required affirmations; and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to *EC* Section 47605(b)(5)…." (Emphasis added.)

C. The California Department of Education Staff Report and Recommendation for Denial of the Long Valley Charter School Request for a Material Revision Does Not Comply with the Standards and Criteria of Education Code Section 47605, and Lacks Facts to Support Legally Compliant Findings

Although we find the CDE staff report and recommendation for denial to be immaterial because the CDE reviewed the provisions of the 2010 approved charter and not the material revision, we provide the following responses for the ACCS's information. The CDE's stated reasons for recommending denial of the LVCS charter material revision request are reprinted below in text boxes, followed by the Charter School's response, in plain text.

> 1. Pursuant to *EC* Section 47605(b)(1), the revised petition presents an unsound educational program for the pupils to be enrolled in the revised independent study program at the charter school.

The criteria for the SBE's finding of an "unsound educational program," are stated in Education Code Section 47605(b)(1) and Title 5 of the California Code of Regulations Section 11967.5.1(b), which states a charter petition shall be "an unsound educational program" if it is either of the following:

> (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils.
>
> (2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend.

The CDE's finding that the LVCS charter "presents an unsound educational program" directly conflicts with its July 2010 finding that the LVCS charter "does not present evidence of

an unsound educational program." In the comments section of the July 2010 CDE staff report, the CDE staff made the following findings:[16]

> "There is nothing in the LVCS petition indicating that its educational program is unsound. Based on API and AYP data, LVCS provides students a higher-performing academic program than the other schools in the Fort Sage USD and the districts from which LVCS independent study students reside. Among students in the independent study program, 82 percent of students reside in districts that did not meet AYP goals, and 85 percent of students reside in districts with AYP percent proficient rates in ELA and mathematics that generally range from 5 to 20 percent lower than percent proficient rates at LVCS. There is no reasonable evidence to suggest that students at LVCS would suffer harm from any program at LVCS or not be more likely to show academic achievement than if they attended the other schools in their districts of residence."

Please see Attachment J, LVCS's 2011–12 School Achievement Plan and Winter Benchmark Report, for a summary of the school's academic progress and achievement. Accordingly, the CDE has no legal basis to reverse its findings regarding the same charter petition it recommended approval of, and the SBE approved, in July 2010.

1(a) The independent study program described in the revised petition does not adequately address how students will learn. The LVCS governing board adopted policies for independent study that require meetings at least once every 20 days, but there is little description in the LVCS board policies or in the LVCS petition to address pupil interaction with teachers. Although LVCS has given the CDE verbal descriptions of activities and a YouTube video link that shows pupils in various settings, the petition does not provide adequate description of an educational program that would be beneficial to pupils. The revised petition states that teachers will assign and evaluate work, monitor attendance, and document student progress toward course completion; however, there is little, if any, detail describing how teachers will instruct pupils or support pupils who are not achieving their goals.

As stated in our response above, the CDE already found the LVCS charter "does not present evidence of an unsound educational program" in its July 2010 report to the SBE. This charter was approved by the SBE in July 2010 and the substance of the LVCS educational program is not at issue here.

It is interesting to note that in the CDE's July 2010 staff report, the CDE found that, with the addition of "technical amendments," "the petition overall present[s] a reasonably comprehensive description of the educational program" pursuant to Education Code Section

[16] See SBE July 14-15, 2010 meeting agenda, Item 19, Attachment 2: http://www.cde.ca.gov/be/ag/ag/yr10/agenda201007.asp (Accessed February 1, 2012).

47605(b)(5)(A) and Title 5 of the California Code of Regulations Section 11967.5.1(f)(1). In the comments section of the July 2010 CDE staff report, the CDE staff made the following findings:

> "LVCS offers a standards-based curriculum that includes a site-based program for pupils in kindergarten through eighth grade and a nonclassroom-based program for pupils in kindergarten through grade twelve. The site-based program uses multi-age settings, technology and community service projects. The non-classroom based program provides support for family-based instruction ("home schooling") including access to assemblies, community service projects, and extra-curricular activities through the site-based program.
>
> The guiding principles of LVCS are based on the Efficacy Approach, which affirms that one is not "born smart," but one "gets smart" through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.
> Student demographics at LVCS are similar to those at the other schools in the Fort Sage USD; however, because of the remote location and small population of the district, comparisons are difficult. LVCS employs outreach methods, such as development of informational materials in languages other than English, to ensure racial and ethnic balance.
>
> Each member of the LVCS teaching staff provides and participates in the staff enrichment program. Each teacher chooses a project that will benefit staff. Upon approval by the Advisory Council, the teacher receives training and then in turn shares this training with the rest of the staff. In addition, LVCS operates a Community Outreach Program that utilizes a wide range of community organizations to provide resources, mentoring, student internships, and cultural enrichment. The Community Outreach Committee invites students and families from the entire Fort Sage USD to participate in events such as Outdoor Education Camp, Lit Jam, and Lit Fest.
>
> *Plan for Low-Achieving Pupils*
>
> Low-achieving students are assessed using a variety of standardized assessments and supported by Response to Intervention and Title 1 services. In addition, LVCS offers tutoring for low-achieving independent study students during traditional school hours. Site-based students are offered Title 1 teacher assistance and reading intervention for an additional 20 minutes per day in small groups four days per week.

Plan for High-Achieving Pupils

Advanced independent study high school students identified through STAR results, report cards, and teacher observation may enroll in Barstow Community College online course work or on campus at Lassen Community College. If parents choose to pay tuition, these students have the opportunity to earn a two-year degree by the time they graduate from high school. LVCS also offers visual and performing arts opportunities through private vendors.

Plan for English Learners

Neither the Fort Sage USD nor LVCS report having English learner (EL) students. LVCS will utilize the home language survey and the California English Language Development Test (CELDT) to identify EL pupils. All current LVCS teachers have completed coursework or testing to be qualified to instruct EL students. Most of the curriculum adopted by LVCS includes materials for EL students.

Plan for Special Education Pupils

LVCS commits to complying with all laws affecting individuals with exceptional needs, including all provisions of the Individuals with Disabilities in Education Improvement Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and all other applicable state and federal laws. Before the LVCS renewal petition was denied by Fort Sage USD and Lassen CBE, LVCS was categorized as a public school of the county in accordance to *EC* Section 47641(b). If approved by the SBE, the petitioners intend to apply to the Lassen County SELPA as an LEA for the provision of special education services to LVCS pupils. Should LVCS be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado SELPA.

Upon request from the CDE, LVCS promptly provided comprehensive descriptions of its educational programs that included the following components:

- Methods of instructional delivery for the on-site and independent study programs
- Teaching strategies used for students with different learning styles (auditory, kinesthetic, visual, tactile, global, analytic)
- Response to Intervention program information
- Course offerings for elementary and secondary independent study students
- High school graduation requirements

> The CDE recommends that technical amendments be made to the LVCS charter petition to clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program."[17]

Accordingly, the CDE has no legal basis to reverse its findings regarding the same charter petition it recommended approval of, and the SBE approved, in July 2010.

> 1(b) The independent study program described in the revised petition does not address how special education or English learner pupils will be served. While the original petition links the independent study program to the site-based program and resources, the revised petition does not include a plan for special education or English learner pupils who cannot reasonably access the LVCS site in Doyle.

Please see our response to 1(a), above.

> 1(c) The independent study program described in the revised petition does not address how academically low-achieving pupils will be served. Importantly, many of the interventions described in the petition for academically low-achieving pupils state that the interventions are available only for site-based pupils. The CDE has serious concerns about pupils who may be low-achieving or at risk of not graduating high school will be served in the independent study program.

Please see our response to 1(a), above.

> 1(d) The independent study program proposes to serve high school pupils; however, there is no description in the revised petition of how LVCS will prepare high school students for either college or a career. In addition, although the revised petition states that college preparatory courses are available, LVCS does not have approval for any "a-g" courses that would allow pupils an opportunity to prepare for admission to a four-year college.

Please see our response to 1(a), above.

> 2. Pursuant to *EC* Section 47605(b)(2), the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

The criteria for the SBE's finding that "petitioners are demonstrably unlikely to successfully implement the program set forth in the petition," under Education Code Section

[17] LVCS made the recommended technical amendments to the LVCS charter and submitted them to the CDE in November 2010, as detailed in this letter.

47605(b)(2) are found in Title 5 of the California Code of Regulations Section 11967.5.1(c), which states:

> "For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program":
>
> (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.
>
> (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.
>
> (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).
> (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management."

Once again, the CDE's finding that "the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition" directly conflicts with its July 2010 finding that the LVCS charter petitioners are NOT "demonstrably unlikely to successfully implement the program set forth in the petition." In the comments section of the July 2010 CDE staff report, the CDE staff made the following findings:[18]

> "The LVCS history demonstrates academic success. The LVCS petition demonstrates that the petitioners are likely to continue to implement the program as set forth in the charter petition. LVCS appears to have a reasonable comprehension of the requirements of law and a solid background in the educational, financial, organizational, and legal aspects of operating a charter school.
>
> The LVCS petitioners have also presented a realistic operational plan and a financial plan that appears sustainable. The LVCS budget appears to be balanced

[18] See SBE July 14-15, 2010 meeting agenda, Item 19, Attachment 2: http://www.cde.ca.gov/be/ag/ag/yr10/agenda201007.asp (Accessed February 1, 2012).

and meets the recommended levels of reserves identified in 5 *CCR* Section 15450. The petitioners provide their own business management services for the school."

The CDE staff has not provided new facts to support this finding. Since the 2010 approval, LVCS has replaced its Director to improve the administration at the Charter School. Currently, LVCS has three administrators: an Education Director, and two Assistant Program Directors. The three administrators are assigned to each of the three counties in which LVCS operates: Lassen County, Plumas County, and Shasta County. LVCS also contracts for business services from CSMC. Accordingly, the CDE has provided no facts to form a legal basis to reverse its findings regarding the same charter petition it recommended approval of, and the SBE approved, in July 2010.

2(a) The description of school director in the revised petition includes as a qualification a "proven record of successful elementary school administrative experience" but does not include experience or qualifications to administer a high school and/or independent study program. As these are the two areas LVCS seeks to expand, the CDE finds that the petition lacks evidence of administrative capacity to implement the expanded program.

As stated in our response above, the CDE already found the LVCS petitioners are NOT "demonstrably unlikely to successfully implement the program set forth in the petition," in its July 2010 report to the SBE. This charter was approved by the SBE in July 2010 and the substance of the LVCS educational program is not at issue here.

We note, however, that the Education Director does have the experience and qualifications to administer the LVCS high school and independent study programs. The Education Director, Cindy Henry, has 12 years of teaching experience, with 5 of those being in Independent Study, including high school students. Ms. Henry is currently in her second year as an administrator, and as of February 14, 2012, will have completed all coursework that will allow her to apply for a clear administrative services credential. Ms. Henry currently has a preliminary administrative services credential.

The Assistant Program Directors also have appropriate experience and credentials. Sherri Morgan, the Assistant Program Director at the Plumas Resource Center, has a preliminary administrative services credential and will finish all coursework to qualify her for the clear administrative services credential on February 9, 2012. She has worked with California K-12 Independent Study charter schools since 1997 after working in a traditional middle school setting in Tucson, AZ. Her has experience as Teacher, Lead Teacher, and Director of Educational Support; and holds a BA in Secondary Education (Business & Mathematics) from Prescott College, Arizona, and a MA in Educational Administration from Chapman University. Julia Knight, Assistant Program Director at the Cottonwood Resource Center, has a clear administrative services credential and is also LVCS's Special Education administrator. She graduated from Dominican University in San Rafael, California with a multi-subject credential and a specialized credential. She has been an Independent Study teacher since 2001, and has

taught in special day classes and a rural multi graded classroom (grades 3-8); and has been Lead Teacher and taught core subjects. Ms. Knight has trained teachers to use math and Language Arts curriculum, has acted as BTSA Support personnel, and has trained teachers for the Global Teacher Foundation in Kenya.

2(b) Current independent study teachers may not be highly qualified to teach core high school courses. The revised petition does not address a process for determining whether teachers will be deemed highly qualified and does not provide adequate plans for training or supporting independent study teachers.

In addition to our response to 2 (a), above, please see our response to this issue in Section [IV][A][4].

2(c) The petition does not address how statewide assessments will be administered through the independent study program. LVCS proposes to serve approximately 80 percent of its pupils in the independent study program in locations that are up to three hours away from the LVCS site. However, there is no plan provided as to how or where assessments would be administered, how or where testing materials would be transported or stored, and how the security of the assessments could be ensured.

Please see our response to 2, above. In addition, please note that LVCS administers statewide assessments in its Independent Study program in the exact manner that assessments are administered at the site-based program. Teachers administer to grade level groups, following all STAR/CAHSEE administration guidelines. Students at each resource center test at their resource center. Further, LVCS assures that all testing materials are securely stored in locking cabinets and signed in and out each day by teachers, and transported back to Doyle to be packed and sent to ETS.

LVCS was approved to operate its educational program, including independent study, as part of the SBE's original approval of the charter in July 2010. LVCS has always operated resource centers in Lassen County and in adjacent counties. We question the timing of CDE's concerns regarding testing administration, given this issue was not raised by the CDE a year and a half ago. Accordingly, the CDE has no legal basis to reverse its findings regarding the same charter petition it recommended approval of, and the SBE approved, in July 2010.

2(d) While the petition states that all LVCS teachers are qualified to instruct English learners and that all students who indicate that their home language is other than English will be administered the California English Language Development Test (CELDT), LVCS has been unable to provide evidence that all teachers are qualified to teach English learners. The CDE finds that the revised petition does not provide an adequate plan or staffing to administer the CELDT to independent study pupils, nor does it provide a plan to ensure that teachers in the independent study program will be qualified to serve English learners.

In addition to our response to 2, above, please see our response to this issue in Section [IV][A][4].

2(e) Current staffing at LVCS includes one administrator, the Education Director, who has also been assigned many of the duties of the unfilled Fiscal Director position. The CDE finds that LVCS lacks administrative staff to support a school serving 500 to 600 pupils, especially when those pupils and their instructors are spread over such a wide geographic area. Distances from the authorized school site in Doyle to the resource centers proposed in the revised petition are as follows:

i. Susanville site: 40 miles
ii. Portola site: 45 miles
iii. Cottonwood site: 150 miles
iv. Redding site: 152 miles

The CDE finds it unreasonable to expect that a single administrator could adequately fulfill all of the duties stated in the petition in addition to providing sufficient oversight of resource centers that are not easily accessible from the school site.

This stated finding contains no facts to support a denial of the LVCS charter material revision, and is factually inaccurate. As stated above, LVCS currently employs three administrators: an Education Director, and two Assistant Program Directors. The three administrators are assigned to each of the three counties in which LVCS operates: Lassen County, Plumas County, and Shasta County. As already addressed, LVCS's three administrators are more than capable of providing oversight, supporting students, and fulfilling all of the duties associated with the LVCS programs that operate in these three counties. They act as a team and possess skills that complement one another, and also meet weekly via video conference to determine the needs of students at each resource center and work through any issues that arise.

Accordingly, the CDE has no legal basis to deny the LVCS charter material revision nor reverse its findings regarding the same charter petition it recommended approval of, and the SBE approved, in July 2010.

Because LVCS has been operating an independent study program through its resource centers since at least the 2010–11 school year, the CDE would expect that the petition clearly articulate the measurable outcomes for pupils and the instructional methods LVCS would use at the resource centers. As presented to the CDE, the revised petition is deficient as it does not provide a level of detail that would allow the CDE to recommend its approval.

Although the above statement does not appear to be a finding, we wish to respond. As stated in LVCS's October 31, 2011 letter to the CDE, "the site-based and independent study programs at LVCS are not distinct from one another – they are one unified educational

program." (See Attachment B). We fail to understand the purpose of establishing separate measurable pupil outcomes and instructional methods that would be used in the site-based and independent study programs when the LVCS educational program is one unified educational program. The CDE's statement is not based in any requirement in the Education Code nor is it included in the mission, vision, and education program in the LVCS charter as approved by the SBE in July 2010. We question how or why a charter school would articulate separate outcomes for its students attending the resource centers and isolate those students from its site-based program.

Further, we reiterate that the CDE has reviewed provision of the already approved charter as opposed to the material revision request and its statement that the "revised petition is deficient as it does not provide a level of detail that would allow the CDE to recommend its approval" is therefore not based in fact or law. The limited material revisions that LVCS has actually proposed in its October 31, 2011 request regarding student enrollment and the LVCS resource centers, however, do meet the requirements of law and should be approved by the SBE as detailed below.

D. The Applicable Legal Standard Encourages Approval of the Material Revision Request Submitted to the California Department of Education on October 31, 2011

Turning to LVCS's actual material revision request, it is important to note that the CDE has made no findings for denial and thus has no legal basis to recommend denial of the LVCS material revision. As provided under Education Code Section 47607(a)(2), "material revisions of charters are governed by the standards and criteria in [Education Code] Section 47605." Education Code Section 47605(b) states:

> "The governing board of the school district shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. The governing board of the school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:
>
> (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
>
> (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
>
> (3) The petition does not contain the number of signatures required by subdivision (a).

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d).

(5) The petition does not contain reasonably comprehensive descriptions of [the 16 required elements]." (Emphasis added.)

Accordingly, the law is written such that the default position for an authorizer's governing board is to approve a charter petition, or, as here, a material revision, unless it makes written factual findings specific to the particular petition, setting forth specific facts to support a denial. The CDE has presented no facts to support findings for denial of the material revision and thus has no legal basis to recommend denial of the LVCS material revision.

E. By Law, the State Board of Education Cannot Discourage the Growth of Long Valley Charter School

We reiterate that failure to approve the LVCS material revision violates Education Code Section 47605(d)(2)(C), which states: "[i]n the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and in no event shall take any action to impede the charter school from expanding enrollment to meet pupil demand." (Emphasis added.)

There is a clear demand for the educational program offered by LVCS, as evidenced by the number of students who have enrolled. LVCS has been able to scale its program to meet this demand. *The SBE is legally prohibited from taking action to impede the growth of LVCS.*

F. Denial of the Long Valley Charter School Material Revision Request Will Have a Devastating Impact on the Charter School

If the SBE takes action to deny the LVCS material revision request, LVCS will have to dis-enroll 146 students and lay off 13 teachers. LVCS predicts it would more than likely lose 214 students, as without a resource center, the school would not have the resources to successfully service students to the high standard LVCS has established. LVCS is unlike other independent study programs that meet once a month with students in a public library to collect students' work. Instead, LVCS's resource center teachers meet on a weekly basis with students and provide teaching and tutoring services. LVCS is located in an isolated, rural part of the state, which does not offer unlimited educational or employment opportunities. LVCS continues to be a strong school and a strong employer in the local economy. Denying the material revision request would be an unnecessarily drastic decision, especially given the suggestion by LVCS to offer conditions to approval to ensure the SBE of future compliance.

VI. CONCLUSION

LVCS is committed to rebuilding its relationship with the CDE and proving to the SBE it is a successful, viable, and compliant charter school, successfully serving a unique student

population in rural California. To that effect, LVCS reiterates its commitment to the proposed conditions included in its "Resolution of Concerns" letter sent to the CDE on October 27, 2011, and proposes that those conditions be included as part of the ACCS's action to recommend the SBE approve the LVCS material revision. LVCS is eager to consider any additional conditions that the ACCS members may propose which do not lead to the disenrollment of pupils or unemployment of LVCS personnel.

* * *

We very much appreciate your time and consideration of this response. We look forward to presenting and answering your questions at the February 8, 2012 ACCS meeting. If you should have any further questions in the meantime, please feel free to contact me or the LVCS Education Director, Cindy Henry, who would be eager to discuss further.

Sincerely,
LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

LISA A. CORR
ATTORNEY AT LAW

cc: Trish Williams, SBE Vice President and SBE-ACCS Liaison
Judy Cias, Chief Counsel, SBE (jcias@cde.ca.gov)
Jill Rice, Assistant Legal Counsel, SBE (jrice@cde.ca.gov)

ATTACHMENT A

MYM
LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

OCTOBER 27, 2011

VIA: HAND DELIVERY

PAUL C. MINNEY
JAMES E. YOUNG
MICHAEL S. MIDDLETON
LISA A. CORR
SUZANNE A. TOLLEFSON*
JERRY W. SIMMONS

CHASTIN H. PIERMAN
JULIE D. ROBBINS
KIMBERLY RODRIGUEZ
ANDREA C. SEXTON
SARAH J. KOLLMAN
JANELLE A. RULEY
ANDREW G. MINNEY
MICHAEL E. HERSHER
MICHELLE A. RUSKOFSKY
*ALSO ADMITTED IN NEVADA

Beth Hunkapiller, Director
Bonnie Galloway, Administrator
Steven Work, Consultant
Charter Schools Division
California Department of Education
1430 N. Street
Sacramento, CA 95814

Re: Long Valley Charter School
Resolution of Concerns

Dear Ms. Hunkapiller, Ms. Galloway and Mr. Work:

As you know, our Office serves as legal counsel for Long Valley Charter School ("Charter School"). The purpose of this letter is to propose a resolution to the concerns raised by the California Department of Education ("CDE") related to the opening of three new resource centers by the Charter School and the enrollment of students above what is allowed by the Memorandum of Understanding ("MOU") with the CDE and State Board of Education ("SBE") without prior approval. The Charter School recognizes that it failed to seek approval of a material revision of its charter prior to the opening of the Cottonwood, Redding,[1] and Portola resource centers and prior to enrolling 140 additional students for 2011-12 as required by the MOU.

The Charter School realizes the huge impact its mistake could have on 140 currently enrolled students and 13 employees, all of whom are doing well within the new and improved Long Valley Charter School family. The Charter School has spent some time considering a plan that could resolve the concerns of the CDE and SBE without the impact on the students and employees. The following proposal provides for an opportunity for the Charter School to demonstrate its ability to successfully operate these additional resource centers and serve its additional population:

A. Board Capacity

1) Please see attached as Exhibit A, a Board Resolution from the Long Valley Charter School Board of Directors recognizing and formally apologizing for its errors, recognizing the impact its errors had on its own students and employees, and authorizing Cindy Henry to resubmit its request for a material revision.

[1] LVCS has closed the Redding resource center, and will not re-open it unless and until prior approval is obtained from the CDE and SBE.

2) Please see attached as Exhibit B, Board training materials that have been utilized to train the Long Valley Charter School Board of Directors. Training has included the Brown Act, Conflicts Laws, and Best Practices for Effective Governance.

3) Attached as Exhibit C, please find a letter that will be sent to all State Board of Education authorized charter schools from the Long Valley Charter School Board of Directors explaining how critical it is to comply with the terms of the Memorandum of Understanding and the major impact the actions of the Long Valley Charter School Board of Directors had on the survival of the Charter School.

B. Educational Program

1) Attached as Exhibit D, please find a redline version of the educational program from the charter petition. The black text represents the charter originally approved by the SBE; the **red** text represents an additional description of the educational program, prepared and submitted in November of 2010 to meet the CDE's technical amendments; and the **blue** text represents a contemporary update to show the blending of the site-based and independent study programs.

   The Charter School shall provide video linkages to all courses taught at the Charter School, available in all resource centers. Should the Department of Education wish to view a course, please let us know and we will arrange for you to be included in the linkage.

   Also attached as Exhibit D, please find descriptions of the Cottonwood and Portola Resource Centers, along with schedules, which illustrate the learning and activities which take place at those locations.

   Finally, the Charter School has put together a short video demonstrating the learning and activities that take place in a resource center. We respectfully request that you view the video by going to the following link: http://www.youtube.com/watch?v=m_QBmczFwsU&feature=email. Should this website be blocked for viewing, we will submit the video on a disc under separate cover.

2) Attached as Exhibit E, please find first benchmark report, showing the results of the first testing from Scantron Performance Series.

C. Reporting

1) The Charter School would suggest that the following reports be sent to the California Department of Education in addition to those that are already required by the Memorandum of Understanding between the State Board of Education, the California Department of Education and the Charter School:

   a) A minimum of four reports per year on benchmark assessments, pulled from DataDirector;
   b) Monthly student enrollment report;
   c) All agendas, minutes, and board packets for monthly Board of Directors meetings;
   d) Monthly financial reports;
   e) A reporting on the educational program for each trimester, which would include but not be limited to, student achievement data, updates with regard to improvements within the resource centers, and any other info requested by the California Department of Education.

2) The Long Valley Charter School would ask that the California Department of Education visit the resource centers and observe the learning that is occurring at each learning center, and would pay for the California Department of Education representatives to do so.

D. Consequences

The Charter School shall recognize the commitments made herein as fully incorporated material provisions of the charter. As such, any violation of a commitment shall subject the Charter School to possible revocation action pursuant to Education Code Section 47607.

* * *

Thank you for this opportunity to propose a resolution to your concerns regarding Long Valley Charter School. If you have any questions regarding this matter please feel free to give me a call. If it is possible to set up a meeting to discuss this proposed resolution, we would appreciate the opportunity to do so at your earliest convenience.

Sincerely,
LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

LISA A. CORR
ATTORNEY AT LAW

ATTACHMENT B

Long Valley Charter School
Proudly Established in the Year 2000

P.O. Box 7 ~ Doyle, CA. 96109 ~ Telephone 530 827-2395 ~ Fax 530 827-3562

October 31, 2011

Via Email
bgalloway@cde.ca.gov
jrice@cde.ca.gov

Bonnie Galloway, Administrator
Jill Rice, Legal Counsel
Charter Schools Division
California Department of Education
1430 N. Street
Sacramento, CA 95814

RE: Response to Notice of Concern Dated October 25, 2011

Dear Ms. Galloway and Ms. Rice:

This letter responds to the letter received by Long Valley Charter School ("LVCS") from the California Department of Education ("CDE") dated October 25, 2011 regarding concern by the CDE over LVCS' operations.

Respectfully, LVCS does not wish to close any of its Resource Centers or lower its enrollment, as taking these actions is not in the best interest of students. Therefore, LVCS is seeking a material revision of its charter to identify the Resource Centers and planned student population growth. The materially revised charter is attached to this letter for your review.

The charter material revision: specifies an anticipated attendance growth plan; lists all currently operating Resource Centers; and clarifies that the site-based and independent study programs are not distinct from one another – they are one unified educational program.

LVCS hopes that the CDE considers this material revision in light of the information provided to the CDE on October 27, 2011 in response to the notice of concern dated June 20, 2011, as well as subsequent communications with CDE staff. Further, LVCS hopes to discuss the proposed material revision, as well as the steps already undertaken by LVCS to address the CDE's concerns, in a meeting to ensure that any and all concerns of the CDE are resolved to the CDE's satisfaction. It is LVCS's desire that this meeting take place at the CDE's earliest convenience.

I look forward to setting up a meeting with you to discuss the LVCS material revision and the steps already undertaken to address the CDE's concerns.

Sincerely,

Cindy Henry

Cindy Henry
Education Director

ATTACHMENT C

Long Valley Charter School
Proudly Established in the Year 2000

P.O. Box 7 ~ Doyle, CA. 96109 ~ Telephone 530 827-2395 ~ Fax 530 827-3562

November 2, 2011

Via Email
swork@cde.ca.gov

Stephen Work, Consultant
Charter Schools Division
California Department of Education
1430 N. Street
Sacramento, CA 95814

RE: Material Revision of Long Valley Charter School Charter Petition

Dear Mr. Work:

The intent of this letter is to notify the California Department of Education ("CDE") that pages 7, 11, 12, 13, and 67 of a proposed draft of the Long Valley Charter School ("LVCS") charter have been revised to reflect LVCS's material revision request. The changes are shown in redline form for the ease of your review. The remaining charter content has not been altered.

I look forward to setting up a meeting with you to discuss the LVCS material revision and the steps already undertaken to address the CDE's concerns.

Sincerely,

Cindy Henry
Education Director

ATTACHMENT D

Long Valley Charter School
Proudly Established in the Year 2000

P.O. Box 7 ~ Doyle, CA 96109 ~ Phone (530) 827-2395 ~ Fax (530) 827-3562

November 30, 2010

Stephen Work
Education Programs Consultant,
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814

Re: Verification of Brown Act Training for Board Members

Dear Stephen,

Our Board President El VonTour attended training sponsored by the Charter Schools Association on 11-13-10. Board members Julie Wells, Bill Harkness, Justin Anderson, and Ricky Gotcher are scheduled to attend training on 1-6-11 at the Lassen County Office of Education.

Sincerely,

Michael Yancey
Education Director
Long Valley Charter School

ATTACHMENT E

Governance Leadership Development

Presenter: Dr. David E. Guthrie
Education Synergy Consulting (ESC)

Training Agenda

Session I >

- *Orientation*
- *Training Agenda*
- *Building a Foundation for an Effective Charter School Board*
- *Board Self-Evaluation*

Training Agenda

Session II >

- *Board Decision-Making and Meetings*
- *Board Director Motivation and Accountability*
- *Identification and Recruitment of Board Members*

Training Agenda

Session III >

- *Legal and Financial Responsibilities of Charter School Boards*
- *Board Role in Fund Raising*
- *Board-Staff Relations*

Training Agenda

Session IV >

- *The Board and Effective Committees*
- *Building Strong Parent and Community Relations*
- *Board Role in Strategic Thinking and Planning*

Training Agenda

- *The Essentials*
- *Reading Assignments*
- *Research*
- *Practices*
- *Q & A*

Source

U.S. Charter School Association Handbook

Source

- *Content*
- *Theme*
- *Toolbox*
- *Resources*
- *References*

Orientation

Govern: Greek *"to steer a ship"*

Purpose: *'How to prepare and sustain board directors to lead an autonomous public school . . . Build(ing) upon the best of nonprofit, district, and private school governance training and resources."*

Expectation: *Developing Boardsmanship*

Outcome: *Building a Foundation for Sustainability*

Orientation

Reasons for Board of Directors

- *Legal Responsibility*
- *Oversight Function*
- *Promoting the Charter School's Mission*
- *Raising Funds*

Orientation

The Volunteer Board Member

"Quality Takes Time!"

Building a Foundation for an Effective Charter School Board

How does a charter school board clearly define its roles, responsibilities, and philosophy of governance?

The Governing Board Type Analogies

Board as Controller	Board as Director	Board as Meaning-Maker
Dam:river Curbstone:roadway Border collie:cattle herd Air traffic controller:pilot Governor:engine Inspector:passport Operating system:computer Landlord:tenant	Compass:navigation Headlights:automobile Rudder:boat Guidance system:satellite Periscope:submarine Flight planner:pilot	Inspiration:poet Values:choices Designer:work of art Conscience:ethical person Spirit:higher purpose Vision:implementation Norms:group dynamics

Board Development Stages

Stage of Organization Development	Charter School Operation	Board Type	Board Functions
Emergent	Pre-charter application; design of the charter school	Informal group of founders and other community volunteers	Work directly with staff that carries out the daily work of operating the school
Growth/Consolidation	Charter granted; school opens	More formal advisory board or small board of directors	Oversees development of the charter school's mission, policies, and operations
Sustainable/Mature	Ongoing operation; charter contract compliance; renewal of contract	More formal board of directors with established sub-committees	Shapes mission and policies, raises money, and oversees charter school's performance

Dysfunctional Board Characteristics

(Brian Carpenter)

- Managing versus Governing
- Using Individual versus Group Authority
- Creating Revolving Door Accountability
- Spending Time on Administrivia
- Not Developing Itself

Dysfunctional Board Characteristics
(USCS Handbook)

- Meddlesom
- Unstable Leadership
- Internal Dissension
- Professional Incompetence
- Balancing Constituent Needs and Organization's
- Exhausting Volunteers
- No Committee Structure
- Micromanaging
- Ineffective Nominating Committee
- No Rotation Plan
- Unproductive Members
- Too Small
- No Strategic Plan
- No Orientation Program
- No Proactive Plan to Manage Founder's Syndrome

Board Roles and Responsibilities

- Determine the charter school's mission and purpose
- Appoint the charter school administrator
- Support the charter school administrator and review his/her performance
- Ensure effective organizational planning
- Ensure adequate resources
- Manage resources effectively
- Determine and monitor the charter school's programs and services
- Enhance the charter school's image
- Assess its own performance

Steps for Board Development

- *Nominations & Recruitment*
- *Orientation & Training*
- *Roles & Rotations*
- *Evaluation*
- *Recognition*

Board Development Committee

- *Recruitment Criteria (Bylaws)*
- *Recruitment Process*
- *Screening*
- *Orientation and Training*
- *Inaugurals and Recognition*

Governance Model: Fundamentals

- *Distinction between governance work of the board and management work of the staff*
- *Ends/means distinction with a bias in favor of high impact decision-making*
- *Clarity about who does what (specifically what does the board do and what does the staff do?)*

Policy Formulation

Imperative:

Create no policy that interferes with the Administration's ability to organize efficient service delivery systems, maximize productivity, and operate effectively within the constraints of law and regulation!

Board Self-Evaluation

How does the charter school board continuously enhance { and measure } its effectiveness?

Board Self-Evaluation

- *Board Leadership enthusiastic support*
- *Based on best practices and quality performance*
- *Instrumental*
- *Results in an Action Plan for improvement*

Board Evaluation Process

- *Participants*
- *Instruments*
- *Facilitator*
- *Assessment & Evaluation*
- *Policy Supporting a Perpetual Process*
- *New and Prospective Board Members*

Decision-Making

How does the Charter School Board make effective decisions?

Decision-Making

Basic Assumptions:

- ✓ The buck stops with the board
- ✓ Governance versus Management
- ✓ Ends versus Means
- ✓ Board as One Voice
- ✓ Limited Time for Decision-Making
- ✓ The Board is No Substitute for Everything Else
- ✓ Roles and Responsibilities are Clear

Decision-Making

Elements:

- ✓ Uses Relevant Information
- ✓ Discusses Issues Deliberately
- ✓ Considers Alternative Actions (Options)
- ✓ Works toward Consensus

September 22, 2011

Decision-Making

Policy-Making:

- ✓ Reflective of Educational Goals
- ✓ Within the Board's Authority
- ✓ Adopted by Procedure
- ✓ Respectful of Legal and Constitutional Rights and Requirements
- ✓ Communicated to the School Community

Decision-Making

Policy-Making Process:

- ✓ Board (Governance Leadership) Identifies the Need for a New Policy
- ✓ Team Develops Draft Policy
- ✓ First Draft Created
- ✓ Legal Counsel Review and Opinion
- ✓┼Present Draft Policy to the Board
- ✓ Review and Revise Policies
- ✓ Adopt Policy

Decision-Making

Policy-Making Steps:

- ✓ Issues
- ✓ Information
- ✓ Recommendations
- ✓ Discuss & Debate
- ✓ Policy Draft
- ✓ First Reading

Decision-Making

Policy-Making Steps:

- ✓ Revisions
- ✓ Second Reading
- ✓ Adopt Policy
- ✓ Link to Charter Community
- ✓ Implementation
- ✓ Evaluation and Revision (Tickler)

Decision-Making

Tools:

- ✓ Flowchart
- ✓ Matrix
- ✓ Committees

Decision-Making

Time Management:

- ✓ Agenda with Time Estimates
- ✓ Start on Time
- ✓ End on Time
- ✓ Reminders
- ✓ Tracking and Feedback
- ✓ Consent Agenda
- ✓ Board Calendar

Decision-Making

Good Board Information Characteristics:

- ✓ Concise
- ✓ Meaningful
- ✓ Timely
- ✓ Relevant to Responsibilities
- ✓ Best Available
- ✓ Context
- ✓ Graphic Presentation

Decision-Making

- ✓*Agendas*
- ✓*Minutes*
- ✓*Board Binder*
- ✓*Recordkeeping*

Motivation & Accountability

How does the Charter School Board foster and maintain a high level of board director motivation and accountability?

Transaction View Table

Board Director	Charter School
Motivators	Benefits
• Interests/Needs • Personal Values/Beliefs • Personal and Career Goals • Family • Dreams • Skills • Experience • Personal Growth	• Charter School Mission • Educational Philosophy • Organizational Values/Beliefs • Board Responsibilities • Training Opportunities • Organizational Climate • Challenges • Limitations

Board Member Recognition as a Motivational Strategy

- ✓ Everyone
- ✓ Appropriate to Performance
- ✓ Formal & Informal
- ✓ Perceived as Fair
- ✓ Meaningful & Comfortably Received
- ✓ Before Peers
- ✓ Make It Fun!

Board Member Accountability

- ✓ Job Description
- ✓ Self-Evaluation Process
- ✓ Ongoing Accountability Contacts
- ✓ Goal Setting
- ✓ Board Development
- ✓ Leadership Training (Officers)

Recruitment of Board Members

How does the Charter School Board recruit board directors that are committed to the charter school and posses skills, knowledge and other attributes needed in order for the board to effectively carry out its responsibilities?

Board Member Recruitment Elements

- ✓ Year-Round Committee
- ✓ Strategic Planning Link
- ✓ Current Board Profile
- ✓ Priorities
- ✓ Job Description that is Real

Board Member Recruitment Time Table

1. Board Development Committee
2. Active Recruitment
3. Board of Directors Profile
4. Building Board Diversity
5. Prospects
6. Contacts
7. Orientation Sessions
8. Selection

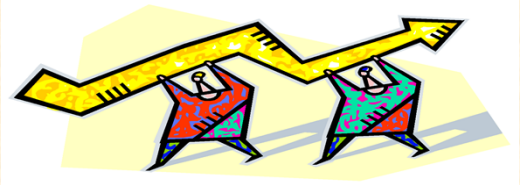
Board Member

A word about Nepotism

- Bylaws
- Policy
- How can it work?
- All in the Family

Legal & Financial Responsibilities

How does the Charter School Board carry out its legal and financial oversight responsibilities?



Legal & Financial Responsibilities

Accountability Domains:

- ✓ Corporate Law, Policies, Procedures, and Contracts with Third Parties
- ✓ Local, State, and Federal Laws and Regs
- ✓ Financial Resources, Facilities, and Equipment
- ✓ Risk Management

Legal & Financial Responsibilities

Legal Responsibilities:

- ✓ Duty of Care
- ✓ Duty of Loyalty
- ✓ Duty of Obedience

Legal & Financial Responsibilities

Duty of Care:

- ✓ Active Participation
- ✓ Committees
- ✓ Board Actions
- ✓ Minutes of Meetings
- ✓ Books and Records
- ✓ Accurate Record Keeping
- ✓Trust Property
- ✓Resources
- ✓Investigations

Legal & Financial Responsibilities

Duty of Loyalty:

- ✓ Conflict of Interest
- ✓ Written Policies
- ✓ Loans
- ✓ Corporate Opportunity
- ✓ IRS Code
- ✓ Governing Documents Compliance

September 22, 2011

Legal & Financial Responsibilities

Duty of Obedience:

- ✓ State and Federal Statutes
- ✓ Filing Requirements
- ✓ Governing Documents
- ✓ Outside Help

Legal & Financial Responsibilities

Financial Oversight:

- ✓ Monitoring
  - ✓ Cash Flow Projections
  - ✓ Balance Sheet with Fund Balance
  - ✓ Income Statement
- ✓ Keeping the Board Informed
- ✓ Maintaining Role Clarity
  - ✓Committees

Legal & Financial Responsibilities

Avoiding Conflicts of Interest:

- ✓ Full Disclosure
- ✓ Abstention from Discussion and Voting
- ✓ Staff Member Abstentions

Legal & Financial Responsibilities

Risk Management:

- ✓ Questionnaire & Risk Assessments
- ✓ Volunteers
- ✓ Special Education

Board & Staff Relations

How does the Charter School Board build and maintain an effective and mutually supportive working relationship with the charter school administrator?

Board & Staff Relations

Board's Role in Selecting and Supporting the Administrator:

- ✓ The Relationship
- ✓ Role Clarification
- ✓ Board Policy

Board & Staff Relations

Hiring and Selection Process:

- ✓ Job Descriptions for Board and Administrator
- ✓ Communication Planning
- ✓ Strategic Planning
- ✓ Recruitment Process
- ✓ Hiring Process

Board & Staff Relations

Evaluation Process:

- ✓ Who Will Perform the Evaluation?
- ✓ Timetables
- ✓ Performance Expectations
- ✓ Performance Review
- ✓ Performance Development Action Plan
- ✓ Review the Review Process

Board & Staff Relations

Conflict:

- ✓ Differences Among Board Members
- ✓ Areas of Authority
- ✓ Board Chair and Administrator
- ✓ Staff Access to the Board
- ✓ Differences Among Staff

Board & Staff Relations

Should Staff Serve on the Charter School Board?

Board Role In Fund-Raising

How can the charter school board play an effective role in fund-raising?

Board Role In Fund-Raising

Why Fund-Raising?

Board Role In Fund-Raising

- ✓ *Roles of the Board*
- ✓ *Roles of the Staff*

Board Role In Fund-Raising

Principles:

✓ *The Board is ultimately responsible for attracting funding resources to ensure the financial viability of the charter school and its educational and support programs.*

Board Role In Fund-Raising

Principles:

✓ *Asking for and giving money are natural processes and need not be viewed as something to be avoided.*

Board Role In Fund-Raising

Principles:

✓ *Board of Directors should help in preparing the "case" which is the rationale for supporting the charter school and to be able to explain the case persuasively to prospective donors.*

Board Role In Fund-Raising

Principles:

✓*Every Board director can do something useful to support the fund-raising effort employing his or her own skills and interest.*

Board Role In Fund-Raising

Tools:

✓*Cultivation*
✓ *Major Gifts*
✓ *Corporate & Foundation Giving*
✓ *Personal Notes*
✓ *Mailing Lists*
✓ *Annual Appeals*

Board Role In Fund-Raising

Principles:

✓*Motivation of Board of Directors is the most critical and the most difficult task of all. Indifference will not raise money. Board of Directors and staff need to be enthusiastic about the charter school's purpose and show eagerness to be involved.*

Board Role In Fund-Raising

Board Involvement Levels:

- ✓ Getting Started
- ✓ Covering the Basics
- ✓ Diversifying the Income Base
- ✓ Maintaining a Wide Range of Donors

Board Role In Fund-Raising

Funding Source	Board Involvement Time	Staff Involvement Time
Government	5%	95%
Foundations	25%	75%
Corporations	50%	50%
Bequests	75%	25%
Local Community	50%	50%
Special Events	80%	20%

Board Role In Fund-Raising

Funding Source	Board Involvement Time	Staff Involvement Time
Individuals	100%	0%
Board of Directors	100%	0%
Direct Mail	2%	98%
Annual Givers	50%	50%
Major Donors	80%	20%
Members/Subscribers	2%	98%

Board Role In Fund-Raising

- ✓*Fund-Raising Committees*
- ✓*Training and Support*
- ✓*Fund Development Plan*
- ✓*Stewardship Plan*
- ✓*Business Plan and RoI*
- ✓*Fund Raising Activities*

Effective Committees

How does the Board develop and maintain a committee structure that enhances its overall effectiveness?

Committee Functions

Indispensable!

They can do the bulk of the work provided the Board and Administration employ them effectively.

Committee Functions

Roles:

- *Increases Involvement*
- *Training Ground for Future Leadership*
- *Increases Visibility and Outreach*
- *Improves Communication*
- *Forums for In-Depth Deliberation for Emerging Issues*

Committee Types

Standing

or

Ad Hoc

(All Board Committees are subject to the Open Meetings (Brown) Act)

Board Committee Structure

Delicate Balance between:

- *Sufficient to enable and empower governance leadership*

without

- *Becoming cumbersome and inviting micromanagement*

Board Committee Structure

- *Executive*
- *Finance & Budget*
- *Accountability (Audit)*
- *Board Development*
- *Fund-Raising/Resource Development*
- *Personnel*
- *Parent*
- *Strategic Planning*

Effective Committees

Characteristics:

- *Written Committee Description*
- *Effective Committee Chair*
- *Members Thoughtfully Appointed*
- *Accountability to the Board*
- *Well-Run Meetings (Agendas)*

Effective Committees

Characteristics:

- *Evaluations*
- *Calendar of Activities and Decisions*
- *Task Forces and Workgroups*

Administration Committees

- *Ad Hoc versus Standing*
- *Operations and Functions*
- *Task Forces and Workgroups*
- *Domains (What and How?)*

Committee Principles

✓*Create no office or committee position for the purpose of helping, advising, instructing, or exercising responsibility for or authority over any aspect of organization that has been delegated to the CEO.*
✓*Use committees, if it wishes, to help the Board with parts of its job.*
✓ *Allow no committee to be a board-within-the-board.*

Committee Principles

✓ *Create committees that last as long as the job the committee has to do, but no longer.*
✓ *Be clear about the product the Board is requiring from the committee.*
✓ *Be clear about the resources the committee is authorized to use.*
✓ *Use the expertise of Board members to inform but not substitute for Board wisdom.*

Building Strong Parent & Community Relations

How does the Board maintain strong parent and community relations?

Parent Involvement

Takes on many roles:

- *Active support of their own child's learning.*
- *Involvement in school governance and decision-making.*
- *Volunteering at the school.*
- *Advocacy*

Parent Involvement

Takes on many roles:

- Fundraising.
- *Feedback and evaluation of school performance.*
- *Technical assistance and expertise.*
- *Liaison*
- *Providing independent, sounding board*

Enervation

- Lack of clarity in purpose, role, or scope.
- *Ignorance about or lack of commitment to the charter school's mission.*
- *Unclear expectations of individual advisory group members.*
- *Lack of leadership and support from the Board and/or Administration.*
- *Weak organization structure.*

Enervation

- *Lack of interaction and feedback.*
- *Underutilization.*
- *Overstepping the boundaries*
- *Lack of orientation and/or continuing education.*
- *Haphazard selection process.*

Energizing

- ✓ *Linking Parent and Community Involvement to Plans for Student Achievement.*
- ✓ *Forging Alliances, Partnerships, and Collaboratives.*
- ✓ *Purpose Statements*
- ✓ *Evaluation and Assessment (Kaizen!)*

Strategic Thinking & Planning

How can the Board organize itself in order to function as an effective, future-focused leadership (governance) team?

Strategic Thinking & Planning

Steps:

- ✓ *Formulating the Mission Statement (where's the vision?)*
- ✓ *Developing the Strategic Plan*

Governance Leadership

Board
& Administration
Domains

Strategic Planning Levels

- *Mission (purpose)*
- *Vision (values)*
- *Goals*
- *Strategies*
- *Objectives (Annual Plans of Action)*

Strategic Planning Process

- *Gathering and Analyzing Information*
- *Critical Issues, Choices, and Challenges*
- *Shared Vision (values)*
- *Mission and Fundamental Purpose*
- *Goals*
- *Strategies or Objectives?*
- *Objectives or Strategies?*

Effective Strategic Planning

Elements:

- ☑ *Committee*
- ☑ *Shared Understanding*
- ☑ *Agreement on Outcomes*
- ☑ *Governance Leadership Commitment*
- ☑ *Involvement*
- ☑ *Action Plan and Results*
- ☑ *Accountability*

Barriers

- o *Shortage of Time*
- o *Avoidance of Risk-Taking*
- o *Lack of Board Involvement*
- o *Lack of Knowledge*
- o *Micro-Management*
- o *Holding Onto Old Ways*
- o *Lack of Clarity about the Domains*
- o *Skills Needed for Futures*

Strategic Planning Leadership Characteristics

- ✓ *They are Visionary and Future Focused*
- ✓ *They Possess an Entrepreneurial Spirit*
- ✓ *Risk Takers*
- ✓ *Good Communicators*
- ✓ *System Thinkers*
- ✓ *Imagination*
- ✓ *Strength through Diversity*
- ✓ *Building a Learning Organization*

Visionary Governance

- ✓ *Focus on the Ultimate Ends of the Organization.*
- ✓ *Create a Long-Range Plan for Board Development.*
- ✓ *Develop Shared Vision of the Organization's Future.*
- ✓ *Keep up with the Rapid Pace of Change.*
- ✓ *Stay in Touch with Stakeholders.*

Goal: To provide information on effective strategic planning for the nonprofit charter school

Outcomes:

- Core Value discovery
- Activate a collaborative process
- Discuss ways to disseminate core values
- Discuss ways to evaluate core value effectiveness
- Value Strategic Planning as an effective tool
- Identify the "What", "Why", and "Who" of Strategic Planning

Goal: To provide information on effective strategic planning for the nonprofit charter school

Outcomes:

- Identify key differences between long range and strategic plans
- Concepts and Terms
- Environmental Scanning
- Stakeholders identification
- Action Planning with Goals and Objectives aligned with Vision and Mission statements
- "Champion" appointments

Model of a Team

Difficult to Build BUT not Complicated

Indicators of Function/Dysfunction

Indicator	Example of Function	Example of Dysfunction
Trust	•Admit weakness and mistakes •Ask for help	•Conceal their weakness and mistakes •Hesitate to ask for help or provide constructive feedback
Conflict	•Extract and exploit ideas of all	•Politics and personal attacks
Commitment	•Develops ability to learn from mistakes	•Breeds fear of failure
Accountability	•Identifies potential problems quickly by questioning	•Encourages mediocrity
Results	•Retains achievement oriented employees •Enjoys success and suffers failure acutely	•Stagnates/fails to grow •Loses achievement-oriented employees

Team Building Activities

- Trust Building – Share Personal Histories
- Conflict Assurance – Mining for Conflict
- Commitment – End each meeting with a recap of tasks and deadlines-communicate clearly
- Accountability – Publication of goals coupled with progress reviews *(Team members don't want to let each other down.)*
- Results – Clarify, publically declare, reward

Mission, Vision, and Motto

A mission clarifies an organization's purpose, or why it should be doing what it does; vision clarifies what it should look like and how it should behave as it fulfills its mission.

Mission, Vision, and Motto

A *Mission Statement* is an expression of purpose.

A *Vision* is an expression of values.

A *Motto* captures the essence of both.

A New Paradigm

- *The significant problems we face cannot be solved at the same level of thinking we were at when we created them* – A. Einstein
- *Too often the old paths are locked and the old solutions no longer solve anything* – Gardner
- And finally,
- *If you don't know where you are going, you will end up somewhere else* – who?

Sustainable Institution

Sustainability can only arise from a framework of values expressed in mission, vision, and policy activated through the strategic planning process that will promote stability and continuity. This assumes the governance leadership has entrusted itself to able staff who have bought into the institution's ways of doing things and abide by the rules of the game. This effort maximizes its objectives adding value and deriving a social dividend.

Strategic Planning is:

- A set of concepts, procedures, and tools designed to assist leaders and managers with fundamental tasks.
- The articulation of a crisp and clear strategic vision for the future.
- Imagining and creating value added strategies for sustainability

Strategic Planning is:

- A disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is, what it does, and why it does it.
- Concerned with finding the best or most advantageous fit between an organization and its environment, based on an intimate understanding of both.
- A process that deals with organization renewal, stability, and managing change

Strategic Planning is not:

- Neat and orderly
- For immediate gratification
- A panacea

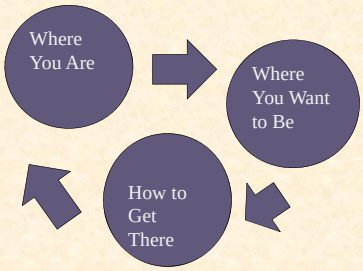
Strategic Planning Importance

- Focus vision
- Establishes Priorities
- Recognize Opportunities
- Measure and Recognize Progress toward Goals
- Inventory Organization Assets
- Connect Aspirations to Strategies
- Add a Sense of Fairness to the Most Painful Change
- Involve Stakeholders and Respecting Their Contributions

Strategic Planning Value

- Prepares the Organization for Change
- Clarifies Community, Organizational, and Constituent Needs and Goals
- Resolve Key Issues
- Improve Services, Programs, and the Means to Deliver Them
- Determine Ways to Measure Organizational Success; and
- Funders are Requesting a Strategic (Business) Plan that is Seen as an Investment

Strategic/Action Planning



Strategic/Action Planning

- Steps
  1. Current Goal and Accomplishment Inventory
  2. Organize the Issues
  3. Condense the Issues to a Manageable Size
  4. Prioritize the Issues
  5. Create Goals within Domains (themes for action and results) that are "value added"

Strategic/Action Planning

- Steps
  6. Develop Measurable Objectives
  7. Develop Timelines for Accomplishment
  8. Appoint "Champions"
  9. Identify the barriers and facilitators to success
  10. Reassess and evaluate the strategies and strategic planning process

Vision into Reality
Strategic/Action Planning

- Domain
- Goals
  - ✓ Discrete
  - ✓ Measurable
  - ✓ Near and/or Long Term
  - ✓ Achievable
- Champions
- Pace & Fit

Reflective
Strategic/Action Planning

- Evaluation and Assessment
  - ✓ What has been accomplished?
  - ✓ What remains to be accomplished?

Evolution
Organization to Institution

- Alignment
- Emerging Values
- Reduces Uncertainty
- Creates Sustainability

Reliability
Institutional Characteristics

- Tightly Coupled Systems
- Standard Operating Procedures
- Perpetual Staff Development
- Highly Efficient
- Redundancy
- Highly Networked
- Public-Private Partnership Synergies
- Error Reporting is Encouraged not Punished
- Bureaucratic but Nimble and Responsive to Crisis

Governance Leadership Development

The End

Dr. David E. Guthrie, ESC 2/3/12

School Effectiveness
Measured by Return on Investment (RoI)

Parents, school administrators, foundations, and public policy makers have found it difficult to determine public schools' education delivery system efficiency in terms of output and measure investment yields in terms of student achievement as inputs. These quandaries are complicated further by the fact there has been unreliable and inconsistent metrics from which to evaluate the effectiveness of schools that, by definition, combines outputs and inputs in the form of ***Return on Investment (RoI)***.

The education establishment is beginning to value, understand, and develop metrics necessary to make a reasonable assessment of school performance, in part, from the encouragement of the Federal enactment of "No Child Left Behind." In California, the Academic Performance Index (API) has become a reliable means to capture a school district or school's socioeconomic characteristics, test scores, and comparative bands to determine academic achievement. The API now affords us the opportunity to correlate financial data to develop a school district or school's ***RoI*** profile.

The following ***RoI*** data and calculation for the Lassen County school districts were obtained from their 2009/10 API and financial information submitted to the California Department of Education and retrieved from "Dataquest"; CDE's data base. Dataquest not only provides efficient information retrieval but longitudinal data analysis as well.

The *RoI* Calculation:

Elementary, High School, and Unified School Districts are grouped separately. Schools, as data points, within school districts were not measured as per student cost and revenue is not currently available (although CDE may want to organize this information for future analysis). The 2009/10 API and financial data obtained from their financials was matched by the dollar cost per student Average Daily Attendance (ADA) and the $ revenue per student ADA. The Long Valley Charter School data was 2010/11 for comparison.

The efficiency calculation, output, was derived by dividing the API score by the $ Cost per ADA. The investment yield calculation, input, was derived by dividing the API score by the $ Revenue per ADA. *RoI*, effectiveness, resulted from the average of the two measures:

Lassen County	**2009/10** P-2 ADA	***A*** API	***B*** $ Revenue Per ADA	***C*** **Investment**	***D*** $ Cost Per ADA	***E*** **Efficiency**	**Effectiveness**
Long Valley Charter School *	499	755	8,119	***0.093***	6,371	***0.119***	***0.106***
County Average	370	758	11,887	***0.082***	11,016	***0.082***	***0.082***
Richmond Elementary	203	870	6,340	0.137	6,346	0.137	0.137
Johnstonville Elementary	214	800	7,173	0.112	6,646	0.120	0.116
Janesville Union Elementary	390	840	7,867	0.107	7,948	0.106	0.106
Susanville Elementary	1,068	752	7,790	0.097	7,850	0.096	0.096
Shaffer Union Elementary	257	753	7,858	0.096	8,686	0.087	0.091
Lassen Union High	907	734	9,195	0.080	9,901	0.074	0.077
Big Valley Joint Unified	214	770	11,846	0.065	11,976	0.064	0.065
Westwood Unified	245	678	13,558	0.050	11,949	0.057	0.053
Fort Sage Unified	190	660	12,819	0.051	12,486	0.053	0.052
Ravendale-Termo Elementary	7	725	34,419	0.021	26,376	0.027	0.024
				A / B		***A / D***	***C+E / 2***

** 2010/11 Data*

Observation:

API alone does not reveal if the school district or charter school is allocating resources efficiently or determine investment yields. In addition, the highest ***RoI*** does not mean the school district or charter school scored the highest API. Rather, the API, matched with their financials, displays a different profile and answers the question, is this school district and charter school maximizing their resources to increase student achievement relative to other school systems? As the table above displays, Long Valley Charter School with a ***RoI*** of .106 is a better investment than the majority of school systems in Lassen County. Moreover, the ***RoI*** result, from an investor's point of view, would mean that an investment in LVCS yields higher student achievement than most. We have found that this is not atypical of charter schools.

ATTACHMENT F

&

Action Plan

for

Charter School Organization Process Improvement

Presented by

Education Synergy Consulting (ESC)

December 3, 2011

Introduction

On July 5, 2011, Long Valley Charter School (LVCS) engaged the services of Education Synergy Consulting (ESC) to introduce and implement best practices discovering through surveys, interviews, and records if best practices are evident in LVCS and to what extent respondents are aware of their existence and demonstration. The Best Practices Assessment (BPA) survey respondents included three discrete groups: Board of Directors, administration, and management/staff. Their responses were organized to provide a coherent analysis of how LVCS is functioning deriving an understanding about current processes and introduce best practices for process improvement. From these findings are recommendations that could be incorporated into the Strategic and Action Planning project phase. The BPA focused on the following defined functional areas:

- Performance
- Governance
- Human Resources
- Education Service Delivery
- Business Services Management
- Facilities Maintenance
- Administrative and Instructional Technology
- Food Services
- Transportation

Performance and Governance were initiated first to support the Board training program followed by the other functional areas distributed and retrieved from LVCS experts and stakeholders.

No charter school education system is perfect nor was the expectation by the ESC Team evaluators that LVCS would qualify as a perfect charter school although it should be noted many responses suggest the Program is evolving and aware of the importance to create a plan of action, incorporating best practices, to place LVCS on the right track toward an "Alpha" charter school. The BPA process provided engagement and interest by the respondents about what it requires to become an excellent and valuable charter school to its community. Interviews and communication with the respondents revealed LVCS is adapting to a complex charter school environment that must respond to the requirements of its Charter, Incorporation, Bylaws, Memorandum of Understanding (MOU), IRS rules associated with Non-Profit Public Benefit Corporations, and Sarbanes-Oxley challenging the governance leadership to administer its programs as it continues operation and making this organization, and others so organized, the most accountable of public enterprises. Implementing best practices should enable a more efficient, effective, and accountable Board and school administration.

The BPA presentation is organized with a narrative introduction that encapsulates the responses from respondents in each major section of the survey battery and recommendations to improve LVCS's processes and education delivery system.

LVCS has an exemplary hybrid education program dedicated to and focused on individual student achievement and success regardless the venue. It is evident that the governance leadership and staff are working together to organize an efficient and effective charter school system able, in our opinion, to adjust the education program effectively despite operational constraints imposed from inside and outside the charter school by the state and federal governments. The support system that makes this possible, however, could improve further by a concerted effort to enhance communications about its operations becoming more transparent, responsive, and accountable. Much of what has been observed through the BPA process can be ameliorated by a more engaged and connected communication system among stakeholders that will allow best practices to emerge and embed in LVCS. Moreover, policy development should be integral to LVCS's governance leadership that will clearly define the Board of Directors and administration roles and domains so that policy, through procedures, carry out the will of the Board of Directors and accountable. For all the functions described in the BPA, an Action Plan, incorporated into the Strategic Planning process, will lead to an improved operating system translating into higher student achievement.

With gratitude, we want to extend our appreciation to the Board, administration, and staff who responded to the surveys providing responses that, in our judgment, offer an accurate description of LVCS's operating profile. The ESC Team's experience validates that when charter schools become aware of where they stand and what they can become, movement toward improvement is a natural outcome. The BPA describes a point in time that if the program were to initiate the same process in the future would, in our judgment, demonstrate significant improvements for the better; some of which are already happening which is to the credit of the governance leadership and staff in transition who are diligent about performing well every day.

Performance

Performance, in terms of organizational development, is defined as a process or manner of functioning or operating activity that culminates in goal accomplishment. It is recognized accomplishment; the act of performing; doing something successfully. Most importantly, it transforms latent knowledge into applied knowledge. The BPA surveyed the respondents to determine the extent performance was evident in LVCS. The survey revealed there is a consistent view LVCS wants to evolve into a great school and open to process improvement. While LVCS articulates its potential for success, it could do more about publishing the evidence of that success to the Board and LVCS's community. Written reports describing the "success map" supplementing the program assessment and evaluation forum, both substantive and meaningful, would be helpful for the Board and community's understanding and framed to support initiatives the Board and administration has determined valuable to pursue.

1. The response to whether or not there were "clearly stated goals and measurable objectives" revealed there are goals and objectives but the process needs further development and refinement. There appears a prominent gap between what goals and objectives that have been developed and implementation and assessment that is narrowed by employing student assessment software. LVCS uses Scantron and Data Director to retrieve and analyze student data. Goals and objectives have been established and oriented toward the education program. But there appears to be a communication gap between the Board and staff about their vision and realizing that vision. LVCS adapts goals and objectives to its context but its aspirations may be beyond its resources to pursue. This places a high premium on resource management with a clear view about its capacity to perform. LVCS could benefit from developing a policy and a comprehensive process that would initiate a perpetual strategic and action planning process fully invested by the governance leadership. ***Recommend adopting a policy that affirms a broad based strategic and action planning process enabling the governance leadership to build a sustainable charter school education system. Such a policy will engage the Board of Directors and welcome stakeholders to participate in the process accountable for results in all operational areas.***

2. It is evident that LVCS is beginning to analyze student achievement data and administers an assessment program organized by the School Director and staff. Such a process aligns with LVCS goals focused on the individual student's education plan adjusting the plan according to the assessments in collaboration with the teacher, parent, and student. The respondents acknowledge there are reports that may not be widely distributed or presented in an understandable format. LVCS would benefit by comparing its performance to other similar ranked charter schools and school districts through Return on Investment (RoI). The RoI would correlate resources to API (the uniform measure of academic performance) for comparison purposes and business planning. ***Recommend the administration continue improving its student achievement profile, information system,***

and evaluate the assessment program to determine correlation with the State standardized testing system. Periodic reports, supplemented in writing, to the Board, tracking student assessment results longitudinally, including disaggregated data for student populations, and are beneficial. Encourage LVCS calculate its RoI.

3. The School Advisory Council serves in an advisory role and a venue to deliberate on performance issues and budget priorities. The Council is comprised of interested members of LVCS's parents and staff. LVCS should rely on more formal communication tools and strategies to reveal stakeholder concerns and suggestions to improve school performance. LVCS relies on parent surveys to support the outreach effort, obtains feedback about LVCS's education service delivery system, including questions about student needs. ***Recommend LVCS continue stakeholder outreach and inclusion efforts that will support and help define LVCS's future direction and evolution in collaboration with the Board of Directors.***

4. It is apparent LVCS allocates resources to support its education program but unclear how LVCS determines its return on investment, or if it is operating efficiently or effectively. LVCS responds it does not have a business plan formatted to include all elements established for charter school, non-profit agency, business plans for broad dissemination to stakeholders. ***Recommend LVCS develop a Business Plan and conduct a quality review and effectiveness through an advisor or banker seeking the answer to the question, "is LVCS investment worthy?"***

Governance

Governance, derived from the Greek word to "steer", is the process that organizes decision-making through a corporate body lead by a Governing Board that articulates its expectations through policy, expressing their vision and intentions for the organization's future, granting authority and responsibilities, accountability, and allocation of resources through budgeting and finance. Alternatively, as Graddy describes, "The institutions and processes by which we make collective decisions and solve collective problems Governance encompasses how we formulate public policy and deliver public services." Governance leadership can include the Administration that represents the agency through which governance is activated and performance is measured. The following describes and assesses LVCS governance in terms of these elements and governance leadership in practice.

1. Most respondents noted roles are delineated in bylaws, charter document, and policy but need clarity. Charter schools have begun posting their governance documents online for access by its community. LVCS is updating their web site with these features. It was noted in the comments that the respondents identified Board and School Director responsibilities do exist but require refinement. The Board has not received formal orientations reviewing their roles and responsibilities. It was noted there are procedures for how to access staff, to respond to constituent inquiries, conflict resolution process, and how the board members adhere to the procedure. It was noted the Board of Directors are informed in advance of controversial issues and thus develop an approach to manage such issues. It is imperative that the governance leadership establish both formal and informal lines of communication that can be nimble and responsive to controversy. Without a plan of action, the governance leadership is fighting fires that detract from their primary mission and diminish effective responses. LVCS retains a policy binder in the business office available for the Board and public. The Board has a self-evaluation process but not fully developed or consistently administered. ***Recommend Board review their Uniform Complaint policy and procedure for currency. Recommend the Board continue to support a governance leadership self-evaluation process that is timely and administered consistently to obtain feedback about its performance. A conforming policy and procedure with evaluation instrument exhibits should be adopted.***

2. It is evident from the responses that the governance leadership is moving toward developing a process for a more efficient and effective board meetings. It was noted a calendar has been developed but needs refinement. Board meetings are scheduled for convenience, including time and location, and welcome's public participation although the agenda format may need improvement. Agenda packets are presented to the Board in advance of the meeting to allow time for Board review and preparation. Memoranda

describing the agenda item and expectations for Board discussion and/or action are not part of LVCS Board packets. Memoranda could improve the presentation and create greater efficiency for the Board meetings and should be limited to one page describing the essentials with specific back up as attachments. ***Recommend agenda planning meetings with the Board President and School Director at least one week prior to the meeting date to allow staff sufficient time to assemble and distribute the packet to the Board that is a good practice. Recommend the School Director adopt a Records Retention policy for how LVCS retains the Corporation and Board meeting documents such as meeting minutes, resolutions, and archival materials in a safe and fireproof depository.***

3. A policy adoption and review calendar should be developed identifying high priority or recurring policies that need review. Procedures should accompany policies to provide guidance for administration actions and decision-making. Not all policies need procedures as the policy may provide sufficient guidance. LVCS's Attorney could perform policy reviews before adoption. ***Recommend LVCS review its policy inventory to ensure that LVCS has all relevant and applicable policies. Moreover, ensure policies are compatible and organized to support, not interfere with, LVCS's administration and operations respecting the distinctions between the Board and administration domains. Recommend LVCS policies review for Incorporation Documents, Bylaws, Charter (Element #4), and Memorandum of Understanding for consistency.***

4. LVCS's Attorney should forward policy changes prompted by changes in law. Charter schools should have only one attorney unless the attorney lacks the expertise and outside counsel is required. Multiple attorneys can present conflicts and confusion about varying interpretations of the law. It is important the LVCS not seek and rely on opinions that may conform to the desired outcome of the LVCS. Rather, the LVCS should rely on the opinion of the Board appointed attorney that is defensible. ***Recommend LVCS conduct a periodic review of the Attorney's service quality and performance and survey legal costs from other charter schools to determine if the LVCS is receiving the highest value for services rendered. Recommend Attorney policy including access process and procedure.***

5. LVCS has an Organization Chart showing functional lines of authority but needs updating to depict current and with an eye on future operating structure(s). Job descriptions should align with the organization structure. The span of control (number of supervised employees) should be such that it allows the supervisor the ability to manage their respective departments and be accountable. The organization structure should avoid conflicts of interest and nepotism. ***Recommend LVCS review the Organization Chart for currency, anticipating organization changes, determine organization "fit" to avert the tendency for bureaucracies to expand as organizations grow adding functions and staff that potentially could create overlapping layers, increasing transaction costs without consideration of the overall impact on organization effectiveness, potential for conflict of interests, and nepotism. Recommend posting the organization chart on LVCS's web site and distribute to stakeholders as an information item.***

6. Staffing levels from other comparable charter schools will help the LVCS determine how the organization is best organized to deliver education services as it evolves especially needed for a hybrid charter school. As the school becomes larger, staffing levels

and ratios will become more critical to ensure its relative efficiency and effectiveness. ***Recommend the LVCS conduct periodic and systematic surveys that will reveal other schools' staffing levels for comparative analysis and recommendations for change or validating current workforce, impact on operations, and budget resources available for a growing school***.

7. The Board of Directors has a fiduciary responsibility expressed in law to understand financial reports so it can determine LVCS's financial condition. In addition, the Board should establish an Executive Committee composed of Board member(s) who serve as a liaison between the Board and administration to interpret and support the administration's efforts to present understandable and meaningful financial information. It is evident that the Board of Directors are receiving financial information by which to determine LVCS's financial condition. Significant variances or budget adjustments should be presented to the Board of Directors. The administration presents periodic financial reports required by the State of California and receives annual audits. However, the reporting could include multi-year forecasting with assumptions about its future linked to the strategic planning process. As a practice, LVCS School Director should arrange training for the Board of Directors about their financial reporting system. ***Recommend reports include Budget with Variances, Balance Sheet, Cash Flow, and Statement of Changes and Operating Position with narratives. Budget trending and long-term commitments presented to determine if LVCS is within its spending targets, cash flows, and has adequate resources to support its long-term commitments. Recommend Board training to include school and non-profit fund accounting. It is important that accountability systems be in place through policy and procedures ensuring LVCS complies through internal audits. LVCS's Auditor or consultant can provide guidance for this effort.***

8. The responses indicate knowledge about administration's roles and responsibilities. It is unclear that the administration knows what its role is and expectations from the Board of Directors but may need review to adapt to current and future LVCS development. The evaluation system appears to be adequate for accountability and performance assessment. The responses indicate that there are accountability systems for the administrator through Board but not with School Advisory Council participation. ***Recommend the administration review and develop an evaluation process, systems of accountability, and policy and procedures collaboratively with the Board having surveyed other school systems or expert consultation for process improvements***.

9. The LVCS does not have a fully developed Strategic Plan with metrics for accomplishment. Goals have been established but measurable objectives could enhance the process with deadlines are desirable with an annual performance review aligned with the Budget process so resources can be allocated to support priorities. ***Recommend the LVCS organize a multi-year Strategic Planning process to include Action Planning with measurable objectives and timelines. Recommend adopting a Strategic Planning policy to promote and support strategic planning, action planning, implementation, and program evaluation and assessment as an ongoing process. Stakeholder roles should be recognized, encouraged, and an organization structure designed for the free flow of information, i.e., committees.***

10. Charter schools have particular challenges when estimating enrollments. Typically, they rely on the existing enrollment rolling into the next year or a modified cohort method determined by grade level progression. Due to student mobility, attractiveness, and quality of the education program creates uncertainty and a higher error factor than more stable, site based public school populations that focus primarily on residential development and in-migration factors. Charter schools are able to project more reliable enrollments by maintaining waiting lists. ***Recommend LVCS continue developing projections that rely on historical data while tracking changes in enrolled students demographically factoring changes to the education program that may affect parent and student interests and choice. The budget has sufficient reserves that match the inherent enrollment projection risks based on a 3% average. Note: charter schools are not required to maintain an Economic Uncertainty Reserve (EUR).***

11. The LVCS builds its budget based on goals although not from a formalized strategic planning process. Ideally, an Action Plan will incorporate measurable objectives that are compelling, accountable, and achievable. Communicating a budget framed by the strategic plan will build support and energize LVCS. ***Recommend incorporating an evaluation and assessment process aligned with the strategic plan budget development and implementation process***.

12. LVCS has applied and received grant awards in the past. LVCS is required to establish separate accounts for the grants when they are awarded. The budget system should be so organized and able to generate reports that will provide updated financial information and show grants are not co-mingled with the General Fund. Indirect costs should be charged to the maximum allowed to recover funds for operational overhead. ***Recommend the administration and Board receive periodic reports about LVCS's grants and results from the grant awards. LVCS has relied on staff and volunteers in the past and should consider employing a grant writer that could expand the opportunities beyond LVCS's limited resources devoted to resource mining***.

13. LVCS's governance structure requires a School Advisory Council that includes parents and guardians and stakeholders involved in LVCS providing advice concerning issues affecting LVCS's education program. LVCS relies on a variety of communication media to inform its community, primarily through staff, teachers, Web site, and E-mail. A parent and student handbook provides relevant information about the school's unique education program. ***Recommend LVCS review the current public information methods to determine effectiveness for inclusion and outreach to other potential stakeholders. Communications in school systems are inherently imperfect and advisable to explore perpetually different means or media to communicate more effectively especially as technology advances. Recommend using Survey Monkey to reach and achieve a higher survey response rate.***

14. It is evident from the responses partnerships could play a greater role in LVCS and announced for the Board and community's awareness. Advise including a window on the Web Site that invites participation. Partnerships can facilitate contacts through their networks, including foundations for grant opportunities. LVCS's partnership program

initiative is evolving and will expand as the school grows and resources available for the outreach effort. LVCS could strengthen and more actively engage in its volunteer resource community. ***Recommend the LVCS strategize on how best to engage and expand partnerships including inviting partners to fill vacant Board and Council seats***.

Human Resources

One of the most critical support functions in LVCS is Human Resources (HR). HR organizes employee selection, retention, and transition for the LVCS. HR supports the administration by employing staff who will add value to the organization developing policies that encourage retention, such as salaries and benefits, and establish a working environment that will maximize productivity, generate enthusiasm, and work enjoyment. It is important that HR keep abreast of changing personnel law and updating policies and procedures, including handbooks, that describe the working relationship between the employee and LVCS. Recruitment and selection, hiring practices, interviews, contracts, orientations, competitive benefits, evaluations, staff development, and retirement are essential elements that need incorporation into an effective HR program.

1. It is apparent from the respondents that the recruitment process is satisfactory. Selection criteria based on Board of Directors approved job descriptions are consistently applied. The demographics of students should serve as a guideline to the LVCS's outreach and hiring practices to promote diversity and opportunity. The California Basic Education Data System (CBEDS) provides a racial and ethnic profile. Postings for LVCS's job announcements forwarded to EdJoin and other web sites should be updated through quality control and a tickler system maintained in HR. Screening applicants is critical particularly with No Child Left Behind (NCLB) credentialing requirements. Evidence of the credentials shall be on file and current. The LVCS has experienced shortages in qualified personnel. Overcoming or anticipating shortages through an HR plan aligned with the budget process should ameliorate future shortages. The LVCS's operating practices is to hire the best possible candidate from a pool of candidates emanating from the recruitment process. The LVCS should adopt a Nepotism policy. ***Recommend posting open position announcements on LVCS's web site. Recommend an internal review of current practices for legal compliance and promoting applicant processes that are more effective.***

2. LVCS has an employee handbook and the administration will update annually to incorporate current policy and personnel law after review by the LVCS's Attorney. The revised handbook should be presented to the Board of Directors and approved then distributed to the employees during a meeting where employees have an opportunity to ask questions about the handbook. Employee handbooks serve as de facto LVCS HR policy and there should be no conflict between HR policies and the handbook. ***Recommend HR develop a survey to determine satisfaction levels for their services, response to staff needs, and measuring overall morale***. ***Recommend an internal quality review or consultation for handbook to update and revise as necessary***.

3. The LVCS conducts its own staff development program based on employee needs through the evaluation process guided by internal measures and currently under review for process improvement. Typically, the County Office of Education (COE) organizes staff development sessions and meetings that may be available to the LVCS. Staff development session evaluations should be distributed to provide feedback from attendees to determine the value for their professional development. ***Recommend the administration update the Staff Development Plan that includes examples of topics for meetings, approved sessions for staff development, and meeting schedules on a master calendar distributed to staff and published on the web site***. ***The administration should alter the Staff Development Plan accordingly. The LVCS should access annually COE's training list and schedule. Staff development should be aligned to the individual employee's professional development plan and recognized through the evaluation process linked to each individual's performance***. ***An ad hoc committee should be formed with staff members, including classified staff, to help design the Staff Development Plan that will maximize their interest and elevate their job skills benefiting LVCS. The budget should reflect a commitment to support the Staff Development Plan. Moreover, a Staff Development policy should encourage staff development including support continuing education and certifications***.

4. The LVCS's Evaluation process requires review and samples of the evaluation forms for both Certificated and Classified should be updated reflecting the evaluation process developed between the supervisor and employee. The supervisor should receive the previous evaluation along with the evaluation packet for the employee evaluation for reference and continuity. It is important that the previous year's goals, objectives, and observations serve as a basis to determine if there has been improvement or needs improvement. Effective evaluations include appropriate rating scales applied uniformly and evaluations that are subjective and written in a narrative form require measurable performance criteria. LVCS involves staff regarding the administration's performance. ***Recommend a tracking system for the evaluation cycle and assign personnel to monitor the process from evaluation distribution, evaluation appointments, to documentation with signatures from the supervisor and employee retained in updated personnel files***.

5. The LVCS has both informal and formal processes dealing with employees who are not performing as they should. According to practice, employees are placed on administrative leave when there is a threat to the health and safety of staff and students pending an investigation. Dismissal from their position is initiated once the facts support the charges against the employee. The LVCS would consult their Attorney before dismissal

proceedings begin. The LVCS will consult with its Joint Powers Agency (JPA) insurance provider as to the current rules and regulations regarding employee random drug testing and counseling. ***Recommend, for dismissal cases, the administration and Board of Directors continue to consult LVCS's Attorney about the most recent rules for the process and following guidelines from policy and the employee handbook.***

6. Respondents acknowledge that absenteeism is an issue at this time. For substitutes, there is currently no formal orientation before reporting to work. The LVCS does not rely on a substitute list. ***Recommend the administration establish a system of accountability through monitoring the reporting activity tracking absenteeism trends and anomalies. While LVCS has limited use of substitutes, it should identify what staff members require substitutes and for extended periods when work needs to be done. Recommend substitutes receive an orientation before reporting for work.***

7. The HR filing system is secure and has restricted access. Checklists with ticklers accompany the files and organized in a manner that allows efficient document retrieval done manually although LVCS is searching for process improvements. ***Recommend an internal review or through consultation a check on HR files for completeness and legal compliance and advice about file system and retention***.

8. Charter schools have historically low workers compensation claims experience. It appears from the respondents LVCS may need to review its workers compensation claims process with the assistance of LVCS's JPA insurance carrier. Facilities work orders that identify potential injury risks warrant a high priority response. The employee handbook includes an "LVCS Safety Plan" that describes responses to emergencies and injuries on the job. The LVCS conducts annual health and safety training for staff. ***Recommend updating the Staff Development Plan for current issues regarding Health and Safety that will support LVCS's emphasis on safety and support its continued success with injury prevention with the assistance from an HR consultant and Workers Compensation insurance agent.***

9. The LVCS reviews its health benefit plans annually in advance of seeking the best plan available at the lowest cost before open enrollment. There is a process to seek employee opinions about existing plans and what other benefits could be included in the package. It is evident the Board of Directors could be better informed about the health and retirement plans currently in force. In addition, rules have changed regarding post employment benefits plans described in Government Accounting Standards Board (GASB) Announcement 45 that includes liability, employer obligations, actuary, and reporting standards that comply with IRS rules should the LVCS decide to enter into employee post-retirement planning. ***Recommend the administration present health and benefit plan renewals at a Board meeting***. ***Recommend the LVCS consult their Auditor about GASB 45 before considering alternate retirement plans***.

10. LVCS should ensure that the employee database link employee files with payroll for position control and a process to ensure the employee data records are complete and HR operates efficiently. HR policies and the employee handbook should be consistent.

Apparently, time and resource constraints have interrupted LVCS HR process improvements. ***Recommend the LVCS conduct a work force analysis for HR in light of NCLB requirements and LVCS's staffing levels***. ***Recommend an internal review and conduct a position control survey of other charter schools to determine wage and salary rates and compare job descriptions to discover disparities in LVCS's staffing allocations***.

11. LVCS implements a health and safety program described in the handbook and activated by a supportive administration. LVCS has a good health and safety record of accomplishment evidence by its low insurance and workers compensation rates. ***Recommend LVCS continue its successful health and safety program and keep abreast of ways to improve the risk management program.***

12. LVCS operates an efficient, effective, accountable, and legally compliant payroll system through the business service provider's accounting system. The system is organized to respond to payroll cycles as well as tax and benefit filing deadlines although this has been an issue in the past. ***Recommend LVCS continue operating the payroll system that is currently employed and working in a satisfactory manner.***

13. The LVCS has policies and procedures that respond to respect the right of employees to voice concerns and complaints channeled through a reporting process and investigates incidences. LVCS has zero tolerance for retaliation against employees who file complaints. ***Recommend policy review and adoption, i.e. "Whistle Blower", and annual policy and incident reviews for revisions and process improvements.***

Education Service Delivery

LVCS's education program connects instruction with parents and students engaged in the learning experience. LVCS's Mission is:

> The mission of our school is to equip our students with the social and educational skills to be successful in a global society. LVCS focuses on developing each student's ability to read, write, speak and calculate with clarity and precision. LVCS believes that learning is a lifelong process; "smart" is not something you are, but something you become by working hard. LVCS strives to help each child develop awareness and respect for the uniqueness of one another. Diversity is respected and valued.

How well LVCS carries out its mission became a focus of the BPA. To measure the program's value solely by standards mandated by NCLB would be misleading. LVCS education program is more than the "test" when evaluating the quality of its education program as evident by LVCS's continuing growth and attractiveness to parents and students. These value added qualities were uncovered through the BPA. Some questions have emerged form this process: How can LVCS continue to elevate student achievement from the limited resources it has available? Rather than asking how we can reach the API targets, LVCS should be asking what would it take to make every student in LVCS proficient at every grade level? Answers to these questions were hinted at from the BPA responses.

1. LVCS has recognized the value for student assessments that allow teachers and administration to determine progress and achievement before State testing in the spring. Waiting for the API results in the subsequent year challenges the program to develop an effective response to achievement gaps. LVCS uses software educators need for timely and reliable access to student performance data. These web-based platforms manage LVCS-wide assessment and computer diagnostic testing that can be adapted to the teacher's and students' needs and pace of instruction. Research shows that students who have periodic testing score higher than those without this testing protocol. Diagnostics are available on demand with flexibility to develop tests from a battery of questions and problems in the database. The questions and problems are aligned to State standards providing an advantage for students through test preparation. The system's capability can disaggregate data for individual students, sub-groups, and the entire LVCS student population. The testing protocol establishes benchmarks that will track student progress. This should help LVCS's ability to tract students as they progress through the education program. LVCS compiles student assessment data for analysis. Once the data is available, the administration and teaching staff, in consultation with the parent, develops a plan of action for each student who has not achieved proficiency and a timeline for attainment. For those students who lag behind, LVCS provides supplemental and remedial instruction. The database and analysis is a LVCS practice. ***Recommend LVCS periodically present to the Board of Directors and LVCS community the student assessment program results in a meaningful way depicted in graphic form. Consider transferring processes and innovative practices that would be valuable for other school systems.***

2. The LVCS is affiliated with the Special Education Local Plan Area (SELPA) through the Lassen County Office of Education (LCOE). The LVCS is required to follow Federal Individuals with Disability Education Act (IDEA), State Law, SELPA, and compliance policies to administer the special education program designed to provide an education to students with disabilities. Each public school child who receives special education and related services must have an Individualized Education Program (IEP). IEPs must be designed for one student and must be a truly individualized document. The IEP creates an opportunity for teachers, parents, LVCS administrators, related support services personnel, and students (when appropriate) to work together to improve educational results for children with disabilities. The IEP is critical to ensure a quality education for each child with a disability. To create an effective IEP, parents, teachers, other LVCS staff, and often the student, must convene meetings to look closely at the student's unique needs. These individuals pool their knowledge, experience, and commitment to design instruction and curriculum that will help the student's involvement and progress in LVCS's education program. IEPs determine the special education services required for each special education student. Writing and implementing an effective IEP requires teamwork. According to Federal IDEA regulations, the IEP development process steps are as follows:

Step 1: *Child is identified as possibly needing special education and related services.*

"Child Find." The state must identify, locate, and evaluate all children with disabilities in the state who need special education and related services. To do so, states conduct "Child Find" activities. A child may be identified by "Child Find", and parents may be asked if the "Child Find" system can evaluate their child. Parents can also call the "Child Find" system and ask that their child be evaluated. Alternatively, a referral or request for evaluation. A school professional may ask that a child be evaluated to see if he or she has a disability. Parents may also contact the child's teacher or other school professional to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a reasonable time after the parent gives consent.

Step 2. *Child is evaluated.*

The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results are used to decide thee child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child. If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.

Step 3. *Eligibility is decided.*

A group of qualified professionals and the parents look at the child's evaluation results. Together, they decide if the child is a "child with a disability", as defined by IDEA. Parents may ask for a hearing to challenge the eligibility decision.

Step 4. *Child is found eligible for services.*

If the child is found to be a "child with a disability", as defined by IDEA, he or she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

Step 5. *IEP meeting is scheduled.*

The school system schedules and conducts the IEP meeting. LVCS staff must:

- Contact the participants, including the parents;
- Notify parents early enough to make sure they have an opportunity to attend;
- Schedule the meeting at a time and place agreeable to parents and the LVCS;
- Tell the parents the purpose, time, and location of the meeting;
- Tell the parents who will be attending; and
- Tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Step 6. *IEP meeting is held and the IEP is written.*

The IEP team gathers to talk about the child's needs and write the student's IEP. Parents and the student (when appropriate) are part of the team. If a different group decides the child's placement the parents must be part of that group as well. Before the school system may provide special education and related services to the child for the first time, the parents must give consent. The child begins to receive services as soon as possible after the meeting. If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may file a complaint with the state education agency and may request a due process hearing, at which time mediation must be available.

Step 7. *Services are provided.*

The school makes sure that the child's IEP is being carried out as it was written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his or her specific responsibilities for carrying out the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.

Step 8. *Progress is measured and reported to parents.*

The child's progress toward the annual goals is measured, as stated in the IEP. His or her parents are regularly informed of their child's progress and whether that progress is enough for the child to achieve the goals by the end of the

year. These progress reports must be given to parents at least as often as parents are informed of their non-disabled children's progress.

Step 9. *IEP is reviewed.*

The IEP team reviews the child's IEP at least once a year or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings. Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with the placement. If parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. There are several options, including additional testing, an independent evaluation, or asking for mediation (if available) or a due process hearing. They may also file a complaint with the state education agency.

Step 10. *Child is re-evaluated.*

At least every three years the child must be re-evaluated. This evaluation is often called a "triennial". Its purpose is to find out if the child continues to be a "child with a disability", as defined by IDEA, and what the child's educational needs are. However, the child must be re-evaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.

It is important for the LVCS to comply with the Special Education rules and regulations. Infractions will be the responsibility of LCOE/LVCS jointly that can lead to costly litigation and special education services. Ongoing staff training in special education is necessary for a successful program. Record keeping and monitoring the student's progress is mandatory. A database is required to track assessments and channel resources to student needs and support the special education program overall. The LVCS disaggregates special education student data including non-academic indicators. The LVCS does establish goals and monitors progress through the IEP process. Periodic contacts by the LCOE Special Education Liaison ensure special education program is progressing. Exceptional student's individual education programs are organized based on a "learning style model" that is more fitted to the individual student needs. Satisfaction surveys are distributed to parents but parent training is limited. ***Recommend the LVCS host training sessions facilitated by administration and LCOE Special Education representatives. Staff continue to identify exceptional students to ensure their needs are met, as well as, through curricula, instruction, and assessment. Recommend LVCS review special education program staff development program for effectiveness.***

3. The LVCS is prepared to conduct diagnostics for English Language Learners (ELL) through the California English Language Development Test (CELDT) for students requiring these services enrolled in the LVCS. According to State Department of Education:

> Any pupil who primary language is other than English as determined by the home language survey and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be

assessed for English language proficiency with the test within 30 calendar days after the date of first enrollment in a California public school, or within 60 calendar days after the date of first enrollment, but not before July 1 of that school year.

The LVCS would identify "at risk" students where the teachers and administrators continuously seek and share their experiences about students then act on what they learn through Student Success Teams (SSTs). The SST process is collaborative, offering mutual support, personal and professional growth. The LVCS currently does not participate in Federal programs that require a formal student tracking and reporting database. Although, the LVCS has established criteria for "At Risk" students and organizes the student database to support the learning model for the individual education plan. ***Recommend the LVCS continue its efforts to identify and support individual student learning plans relying on its student information system. Recommend coordination between attendance and accounting departments when reporting student numbers and demographic profile monthly to identify students who may need additional instructional support. Recommend LVCS review ELL staff development program for effectiveness.***

4. The LVCS guides the student's academic program and meets with parents and students annually to review and monitor their progress. LVCS offers accelerated programs for students who qualify through assessments and would benefit from such programs supporting student success although some staff are unaware of the full extent of the offerings. ***Recommend refining the student database so it can identify students who might be eligible for gifted placement opportunities. Recommend conducting an LVCS accelerated program presentation describing the content and pedagogy to the Board and staff. Staff development should be employed for effective program delivery.***

5. The LVCS has limited workforce partnerships. ***Recommend LVCS develop a database for students who want to pursue work experience and designate staff to pursue the best opportunity that aligns with the student's interests and aptitude***.

6. The LVCS participates in federal funding and required to file a Local Education Agency (LEA) Plan. The LEA Plan components include identifying at risk students, developing a learning improvement plan, evaluation, and assessment; elements that could be adapted to the LVCS's education master plan. Moreover, LVCS provides remediation programs for students who are experiencing difficulty. At-risk students are identified and an individualized learning plan is implemented based on the student profile. The LEA Plan also requires establishing a School Advisory Council (SAC) and, for English learners, an English Language Advisory Council (ELAC) as needed. ***Recommend the administration assemble a team of expert staff to conduct internal program evaluation process including a review of the SAC composition and adherence to Open Meetings Act as it is a "standing" committee. Goals, objectives, and measures of effectiveness should be established to determine the Return on Investment (RoI) and reviewed during the annual budget development process. The Strategic Planning process should align with the education planning process outcomes.***

7. The LVCS employs standards based instruction augmented by other alternative, choice based, curricula, and pedagogy. Schools should not be measured solely by the test alone but should supplement instruction with visual and performing arts, physical education activities, and opportunities to visit sites, communities, and cultures beyond their neighborhoods. Student portfolios, including work demonstrations, should be part of the student's academic file. Staff intervene to advance each student's learning profile. Teachers have been trained to provide effective feedback for parents about their student's progress and meet at least monthly during the school year to monitor and guide progress according to the individual learning plans. Information about transfer students from their cum files is analyzed for academic standing and include assessments so the LVCS can develop an individual learning plan and successful transition. The LVCS conducts articulation and tracks student progress from one grade to the next. The LVCS relies on the student database for information about student progress. ***Recommend the LVCS continue to refine, organize, and convene periodic inter grade level staff meetings tracking student matriculation. Retention data analysis should be part of the process.***

8. To measure the education program delivery system requires annual review and survey responses from stakeholders involved in the process. Bureaucracies have a tendency to grow over time and organizational development must not only deal with growth but impact of the system's tendency to increase transaction costs, experience rigidity, and complacency leading to less that effective output. ***Recommend an annual review and evaluation of the current system with a work force analysis including ratios and effectiveness measures as part of the budget development process. Recommend the LVCS continue its comparisons and best practices research efforts obtained from other charter school systems and resource networks. Recommend the LVCS document and publish the results and reporting to staff and the Board of Directors. Typically, such results will create efficiencies the organization can employ to benefit the LVCS. Incentives for cost savings measures should be considered by the LVCS but are not necessarily monetary.***

9. State law requires public schools supply from the State approved textbook list and instructional materials adopted by the LVCS. This does not apply to charter schools, however, these instructional materials are aligned to State standards and testing as part of the API and AYP measurement system. ***Recommend the administration conduct an inventory of its textbooks and implement adoptions according to the cycle recommended by the State of California. Recommend assembling an ad hoc committee composed of staff, parents, and community to review and recommend appropriate textbooks and instructional materials that will fulfill State mandates and aligned with the LVCS's education program curricula. Recommend adopting a policy supporting this effort. Moreover, an inventory policy and procedures to guide the textbook and instructional materials disposition and disposal process.***

10. Charter schools face challenges when fully equipping their learning/media centers with sufficient and up-to-date reference materials. The LVCS is facing the same challenge exacerbated by limited resources and relies more and more on technology to bridge the gap, which is good, but can be costly for hardware and software packages and maintenance.

Recommend relying on periodic user surveys that can reveal ways to improve service delivery. Recommend including and develop a funding strategy for a library/media center in LVCS's Facilities and Technology Plans.

11. One of the many LVCS's education program's unique and innovative features is its web links that bring the world's courseware to the desk/lap top for teachers and students. This has been an extraordinary development in student research and learning that empowers the LVCS to make available resources that, a few years ago, were not available but to the few. In some respects, charter schools have been at the forefront of this innovation and evolution in education. This technology has been instrumental for student learning in an environment of an interconnected world making the program more attractive to parents and students who have become savvy about technology. The LVCS has an instruction program for its technology and protocol for its use by parents and students. The staff conducts research into new and innovative software that will add value to the teacher's instruction and enhance student learning. ***Recommend the LVCS conduct periodic user surveys targeted to discover satisfaction with the training and applicability of the learning software used by the LVCS prescribed in the Technology Plan. Staff development is the most significant ingredient and indicator of a successful technology integrated instruction program.***

12. The LVCS relies on the LCOE staff to administer the Special Education Program. Since IEPs are the centerpiece in the special education program and follow a sequence cycle, it is important the LVCS rely on the system to carry out this function as it is expected to do. The LVCS focus on the individual student and responses suggest the current operating profile is somewhat positive and engaging parents and staff to support and makes available student support services as needed. ***Recommend the LVCS conduct a internal quality review of special education and support services program to determine if it is operating effectively; not necessarily measured solely by "the letter of the law," but for the benefit of the student.***

Business Services Management

Finance in LVCS's system is defined as the securing and maximizing the use of resources. Budgeting is managing those resources through strategic planning aligned with the LVCS's vision, mission, goals, and objectives. The BPA attempted to discover to what extent these definitions apply and determine if the internal controls that make for a transparent and credible financial and budgetary reporting system the governance leadership relies on for accountable decision-making.

1. The LVCS's finance and accounting function is provided by an outside back-office operation and organized to respond to the demands of the LVCS. However, stresses on the LVCS from peak demand at the beginning of the LVCS year, semester, and fiscal year end may justify a work force analysis. Appropriate job descriptions should include statements about separation of duties for internal control. Staff development is critical for the long-term success of the LVCS as it is responsible for managing and accounting of the resources dedicated to the LVCS's education program and must be equipped to serve as a check and balance for contracted services. ***Recommend continued training and education of the Chief Business Official (CBO) as part of the Staff Development Plan and for other staff hired to support the finance and accounting function. Instruction should include all phases of the operation.***

2. Accounting and bookkeeping procedures flow from LVCS's policies and procedures, external Federal and State accounting agencies, and auditing entities that stress check and balances, internal control, accountability and responsibility, and an ethical work environment. The LVCS should review current policies, procedures, and practices to ensure they are sufficient to bring about these qualities and accountability over contract services. ***Recommend the LVCS continue to collaborate with the LVCS Auditor on financial accounting policies and procedures with recommendations flowing from the review and affirmed by LVCS's Attorney.***

3. The LVCS currently relies on limited staff to perform its accounting, bookkeeping, and reporting functions. A narrative describing significant financial items or changes for the Board's attention and revisions warranting approval should accompany each monthly report. This monthly reporting cycle will keep the Board informed as LVCS's financial condition unfolds throughout the fiscal year. The administration and leadership team are engaged in the management of their budgets. Although the LVCS appears to organize and manage its finances and budgets centrally, it should consider alternatives as the LVCS expands over time. ***Recommend Administration and contractor continue to present reports to the Board of Directors that are meaningful; not overly complex or so simple and lacking analysis that include Budget, Operating Statements showing budget variances and remainder expressed as a percentage, Balance Sheet, and Cash Flow Statements. For budget and interim reports, a multi-year projection should be part of the reporting process.***

4. The LVCS should organize the finance and accounting function to ensure appropriations are managed and controlled with a process for adjustments. Procedures for contract administration should be part of an adopted policy. The administration informs the

Board of Directors about major outlays that affect budget balances and cash flows. ***Recommend policies for purchasing, contracts, and budget appropriation authority.***

5. The respondents indicate internal controls exist for revenue and expenditure transaction, tax filing, and other obligations of the LVCS according to Generally Accepted Accounting Principles (GAAP), the State's Accounting Manual, and the IRS. The LVCS's Auditor issues opinions about internal control and alert the LVCS about infractions reported in the audit as exceptions that must be remedied by the next year's audit. Repeated exceptions are not acceptable to Federal and State agencies empowered to withhold funds if the exceptions are not addressed. ***Recommend LVCS continue its accountable operating practices and procedures enabled through policy.***

6. Reportable, material weaknesses in internal control should be reported and a plan to remedy those weaknesses should be documented, implemented, and reported to the Board after the Audit is completed in December. The administration should present the Audit acceptance at the next regularly scheduled Board meeting Board of Directors review and comment. ***Recommend the CBO present the LVCS's annual Audit Report, with responses to audit exceptions, if any, during the Board meeting.***

7. Budgets are more valuable when they are linked to the strategic planning process where goals and objectives, aligned with the LVCS's vision and mission, can be realized. The budget development process requires an early planning cycle that kicks off as soon as LVCS reconvenes after the Winter break when the Governor releases the State budget in January. From there, the LVCS needs to begin assembling the pieces into a coherent and meaningful document prepared for the Board's adoption before June 30. Adequate time should be allotted to allow Board members the opportunity to review the information presented on State approved forms supplemented with more understandable and meaningful formats. Moreover, the administration should include the School Advisory Council (SAC) and other stakeholders in the budget development process through organized meetings that educate the participants about LVCS budgets so they can actively contribute to the process. ***Recommend the CBO present a Budget Development Calendar and Budget Guidelines for Board approval at the December Board meeting that will describe and initiate the process. A discussion about SAC meetings and its advisory role and stakeholder participation should also be part of the deliberations.***

8. The LVCS is in the process of developing its strategic plan that will chart how measurable goals and objectives are linked to the budget development process. A strategic plan should be developed before the budget development process beginning in January each fiscal year. The strategic plan will describe LVCS's goals and objectives, staff accountable for accomplishment, timelines, and resources to support accomplishment. Once the plan is complete, the budget development process incorporates the goals and objectives through prioritization. Appropriations should align with the strategic plan. ***Recommend integrating and aligning the strategic plans goals and objectives to the Budget resource allocations and annually evaluate the return on investment.***

9. The LVCS complies with State and Sponsor's requirements for annual audits conducted by an Auditor selected from the State approved list of Auditors. ***Recommend***

periodic review of Auditor's service quality and contracted according to the State's recommended terms and conditions.

10. The respondents indicate knowledge about the internal audit function in the LVCS. Most small school systems do not have this activity as a separate function and rely on the strength of internal controls and independent auditors to evaluate the finance, budgeting, accounting, and bookkeeping systems. Independent consultants can serve this role equipped to diagnose problem areas in the LVCS usually focused on specific issues, organizational development, and best practices. ***Recommend the Board of Directors continue its support for an Executive Committee that exercises oversight of the auditing process.***

11. The LVCS, in conjunction with the Auditor, issues reports with evaluations of the LVCS's financial condition. The strength of the reporting system is measured by its understandable and meaningful report formats. It is incumbent upon the administration to conduct Board trainings timed to introduce the substance of the reports in a meaningful way as the reporting cycle commences. ***Recommend the CBO conduct a review and presentation during a Board meeting about the link between the Audit process and financial reporting.***

12. For charter schools, cash management is a significant activity making sure enough is in the bank to cover the flows, in and out, from the Federal, State, and local revenue and expenditures. Unlike school districts that have the County treasury available to tap when funds are low, charter schools must rely on banking or other lenders to cover temporary shortfalls when there is not an adequate fund balance. A budget provides a financial picture at the end of the fiscal year and the system provides monthly cash flows. All public agencies require an investment policy that identifies who is responsible for the funds and banking relations that will secure LVCS's principal while maximizing investment interest earnings. The LVCS must also make sure its accounts are insured for the full amount deposited. Banks establish limits beyond which the LVCS risks losing in the event of a crash. ***Recommend the LVCS adopt an Investment policy.***

13. LVCS is making an effort to track its capital assets through an inventory system converted into a database and record keeping. A depreciation schedule has been developed and reported valuations summarized on the balance sheet. LVCS will conduct annual inventory as described in procedures. However, while LVCS has a practice for equipment checkout, there is no written checkout policy when employees require temporary use of LVCS equipment. ***Recommend LVCS develop Inventory and Equipment Checkout policies for Board adoption.***

14. Major capital projects require sufficient assets to cover the outlay in a single fiscal year or over several years. A strategic capital equipment/projects plan is required so the budget can accommodate the expense. Typically, loans are required to fund projects incurring interest costs. ***Recommend the CBO present to the administration and Board of***

Directors the framework for a Capital Projects Plan triggered by major outlay(s) for review and impact on budgets for the current and subsequent years.

15. LVCS's investment policy should describe how the LVCS will manage debt. LVCS administration informs the Board of Directors about its debt incurred for operations or capital outlay. A Debt Liquidation Plan should be in placed that will inform and support decisions that will protect the LVCS from liabilities that may encroach on assets needed to sustain the LVCS. ***Recommend developing an Investment policy that includes provisions for a Debt Liquidation Plan as appropriate and present to the Board of Directors.***

16. The LVCS has historically been able to secure sufficient financing to meet its operating and capital needs. However, charter schools are faced with higher risk due to fluctuations in enrollment, high fixed costs, and facilities that stress the budget. The LVCS evaluates and has been successful securing funding as needed but must be cautious about incurring too much debt as funding, hinging on enrollment, may not be sufficient to cover the debt. ***Recommend the CBO report on the LVCS's Debt Management procedures and present to the administration and Board of Directors.***

17. LVCS has adequate insurance with limits and deductibles that are manageable and protects LVCS against property and liability losses. Annual review and quotes should be part of LVCS's practices. A process of risk analysis is advisable for existing conditions and property and future acquisitions that may add to the risk pool. ***Recommend LVCS update its LVCS Risk Management Plan annually with the assistance of the insurance provider.***

18. Policies should establish and describe LVCS's risk management program conforming to LVCS's Charter. ***Recommend LVCS review and update risk management policies annually, or as needed, to conform to current operations and comply with the Charter.***

19. The LVCS has adequate insurance to cover its risks but needs to present the insurance program and annual review process to the Board of Directors as an information and discussion item during a Board meeting. The report would include experience, claims, and possible claims, affecting insurance premiums. ***Recommend scheduling the presentation of the insurance program and the annual review process to the Board of Directors.***

20. The LVCS has purchasing practices in place that separate duties, documentation, receiving, inventory control, and distribution with adequate controls. ***Recommend a Purchasing policy adoption and procedures developed and aligned with accounting procedures and practices.***

21. The LVCS has an established policy to manage its inventory. ***Recommend adopting an Inventory policy and procedure that conform to accounting principles and LVCS accounting practices.***

22. The LVCS has a limited warehousing function. ***Recommend the Board of Directors receive a report when LVCS's enrollment and need merits consideration and establishment of a warehousing management system along with budget considerations.***

Facilities Maintenance

The California Department of Education describes a school facilities program as:

> . . . maintaining buildings in a condition adequate to support the education program and keep them reasonably close to their original appearance and quality, adequately equipping the buildings to provide services for which the buildings were planned, and modifying the buildings when necessary to accommodate new technologies in education. The school is responsible to keep facilities in continuous operation and optimum condition through repair, replacement of elements, restoration, renovation, or other necessary maintenance and operations measures.

Facilities maintenance and operations ensures that student housing is conducive to academic performance. Research has shown that when a school facility or learning center is constructed and maintained properly will produce an environment and venues for learning that will attract parents and students. A facility designed for community and Board activities welcomes participation and enhances the school's prospect for success. Moreover, a facilities plan can organize the school with an eye on the future particularly for one that is growing.

1. LVCS relies on volunteers and contract staff services to maintain its facilities. LVCS does not have a Facilities Plan describing the current and future plans for LVCS's student housing needs. The Plan would include the goals and objectives along with purpose and descriptions of existing facilities inventory, including diagrams, space utilization, photos, and plans for future facility development aligned with LVCS's education program and support function needs. Budgets for facilities and acquisition should be clearly outlined and described in the Plan recognizing maintenance and deferred maintenance obligations. ***Recommend LVCS develop a Facilities Plan with the support and advice of a Facilities Development Committee.***

2. Efficiency accountability rests solely on the administration. Local utilities can assist LVCS to evaluate its energy efficiency and recommendations for appliances and systems. ***Recommend LVCS continue annual property suitability appraisals to determine fit to the education program and support functions LVCS operates with an eye to the future especially for energy use and management relying on historical and comparative data.***

3. It is advisable to initiate surveys from staff about the facilities intended to accommodate the education and support functions. Such instruments can be effective ways to develop plans and respond to concerns about facilities and if they are conducive to student learning and staff productivity. The results should be included to the Facilities Plan. ***Recommend the LVCS conduct a staff facilities suitability survey.***

4. The responses indicate a need to review janitorial and maintenance compliance with standards for facilities maintenance. Performance standards and procedures are normally included in the Facilities Plan. They establish the quality criteria for existing and

new facilities. It appears that the administration is responsive to the facilities needs and accommodations for staff, students, parents, and visitors to LVCS. ***Recommend a maintenance services quality review and incorporate the recommendations into its operations.***

5. The respondents agree about the current condition of the facilities that are conducive to student learning. Americans with Disabilities Act (ADA) requirements are an important consideration before leasing or owning property. It is important for the owner of leased property and LVCS determine how they will comply with the law before occupancy. Consulting with State and local planning agencies about compliance is necessary as the LVCS may be obligated for renovation costs unless the owner is willing to absorb the cost and subject to negotiation. ***Recommend the LVCS review the requirements and obligations of SB 1054 adapting the provisions of the California Building Standards Code (CSBC) and enforced by local building enforcement agencies with jurisdiction over the area in which the charter school is located. This provision does not apply to charter schools that are already subject to the requirements of the Field Act. The Field Act governs design, construction, reconstruction, and/or alteration of school buildings for the protection of life and property. LVCS must ensure that current and future buildings conform to SB 1054.***

6. The LVCS has a maintenance and operations function. ***Recommend LVCS conduct periodic evaluation of existing services to employ the most efficient and effective maintenance and operations by either contract or staff support.***

7. The responses suggest knowledge about what is expected from maintenance and operations personnel and able to establish written job descriptions for employees. ***Recommend if the option is exercised, hiring personnel that fulfill the expectations described in the maintenance and operations job descriptions.***

8. The responses indicate a need to survey staff about the responsiveness and satisfaction level for the maintenance and operations services provided by contract and organize a training program for better support. ***Recommend conducting a staff survey.***

9. The Facilities function has a budget from which to respond to the demands of LVCS's education and administration functions. However, the long-term costs and changes in LVCS's program and demographics should be considered in budget development. The strategic planning process should take into account the long-term facilities needs and allocate sufficient resources to implement the plan. ***Recommend LVCS continue budgeting according to the goals and objectives derived from the strategic planning process.***

10. The cost estimates for major maintenance projects reside appropriately in the administration domain. However, the definition of "major" should be understood by the Board and may require Board approval particularly if a project affects the health and safety of students, staff, and visitors. ***Recommend the Board adopt a policy providing administration guidelines on cost estimates and project approval process.***

11. LVCS's Economic Uncertainty Reserve (EUR) could be partially designated for Facilities and Maintenance contingencies although not a State requirement. ***Recommend LVCS develop a risk management plan that includes insurance coverage and deductibles that would determine the appropriate reserve levels if LVCS decides to set-aside a Facilities Maintenance and/or Special Reserve, Capital Projects Fund.***

12. LVCS has purchasing procedures but it is unclear how the administration purchases the highest value merchandise; not necessarily the lowest. Alternatively, clear procedures for replacement due to depreciation, waste, or obsolescence. Not all purchases require a bid. Quotes should be obtained to get the best price and value. Generally, three quotes provide assurance LVCS is practicing its fiduciary responsibility through competitive pricing from vendors. Single quote, proprietary items can be purchased provided no other product or service exists in the market. ***Recommend the administration review, revise the purchasing policy, and conduct a presentation with flow charts describing how the purchasing process flows.***

13. The administration informs the Board about facilities issues through the budget development process relying on staff feedback and budget requests to determine budget allocations. ***Recommend employing surveys to determine services satisfaction levels.***

14. A coordinated preventative maintenance plan will create a proactive management response to maintenance and operations equipment and maintenance needs. Inventory and equipment records should be maintained by the business office to plan replacement in a systematic and orderly way avoiding shocks to the budget. ***Recommend an Inventory and Surplus Property policy that conforms to LVCS practices and the law.***

15. LVCS does not have an existing Energy Management Plan but values the need to save energy. ***Recommend convening an administrative team to plan and implement LVCS's initiative to save energy through the assistance of utilities best equipped to suggest ideas for conservation.***

16. Number 15 repeated.

17. LVCS initiates searches for maintenance and janitorial services at the lowest cost. The quality and methods to evaluate the services are conducted by the administration. ***Recommend administration acquaint the Board of Directors about the process of facility services support.***

18. There is an informal response to maintenance and facilities requests by staff and is responsive. The responses indicate the system could be improved and computerized. ***Recommend LVCS survey staff about service delivery distributed to the staff along with a Board of Directors report.***

19. The LVCS has created a system to prioritize maintenance items that affect the health and safety of staff and students including emergencies. ***Recommend a periodic review of LVCS's ability to respond to facility maintenance emergencies.***

20. LVCS's Disaster Plan includes a formal response and procedure for emergencies. It is important that staff are trained and LVCS conduct drills so they are responsive to emergency events. ***Recommend periodic desk review/drills by the staff. They are a convenient and an acceptable way to keep the staff alert and responsive. Recommend shut off valves, electrical panels, alarms, and other facilities appliances should be mapped and recognizable to staff so they can respond appropriately or call emergency personnel if there are malfunctions. All new employees need training when hired.***

21. LVCS's facilities comply with State and local standards. Changing State and local codes can affect the program so it is incumbent upon the administration to consult the governing building regulations for existing and new facilities before occupying. ***Recommend LVCS continue a periodic review of existing and new facility compliance with current building codes.***

22. The administration and staff are aware of the need to research code restrictions before committing to facilities. Compliance and retrofitting are a matter of negotiation between LVCS and property owner. It is necessary to have a clear understanding before occupying the facilities which party will be obligated for facilities code requirements. Leases should be reviewed by LVCS's Attorney to ensure LVCS's protection and its interest served by the agreements. The Facilities Plan is useful by describing the specifications for the facilities the LVCS requires, guiding future searches and acquisitions. ***Recommend LVCS develop and implement a Facilities Plan with the support and advice of a Facilities Development Committee.***

Administrative and Instructional Technology

Technology has become the backbone to education systems especially charter schools that employ direct instruction and distance learning. It is crucial that the LVCS have a Technology Plan to organize and anticipate future developments in the field and organize resources to support and maintain the technology innovations in administration and instructional technology. The LVCS's Technology Plan includes the following elements as described in the State's Enhancing Education Through Technology (EETT) program:

- Strategies for using technology to improve academic achievement and teacher effectiveness.
- Goals aligned with challenging state standards for using advanced technology to improve student academic achievement.
- Steps the applicant will take to ensure that all students and teachers have increased access to technology and to help ensure that teachers are prepared to integrate technology effectively into curricula and instruction.
- Promotion of curricula and teaching strategies that integrates technology that is based on a review of relevant research and leading to improvements in student academic achievement.
- Ongoing, sustained professional development for teachers, principals, administrators, and LVCS library media personnel to further the effective use of technology in the classroom or library media center.
- A description of the type of costs of technology to be acquired with Ed Tech funds, including provisions for interoperability of components.
- A description of how the applicant will coordinate activities funded through the Ed Tech program with technology-related activities supported with funds from other sources.
- A description of how the applicant will integrate technology into curricula and instruction, and a time line for this integration.
- Innovative delivery strategies – description of how the applicant will encourage the development and use of innovative strategies for the delivery of specialized or rigorous courses and curricula using technology, including distance-learning technologies, particularly in areas that would not otherwise have access to such courses or curricula due to geographical distances or insufficient resources.
- A description of how the applicant will use technology effectively to promote parental involvement and increase communication with parents.
- Collaboration with adult literacy service providers.
- Accountability measures – a description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under the program are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to reach challenging state academic standards.
- Supporting resources – a description of the supporting resources, such as services, software, other electronically delivered learning materials, and print resources, which will be acquired to ensure successful and effective uses of technology.

1. LVCS's Technology Plan is instrumental to obtain funding through such programs as E-Rate or other related funding sources. LVCS can expect, from whatever funding source, a Technology Plan will be required as a pre-condition to funding. The Technology Plan should be presented to the Board of Directors for approval with a full presentation describing the elements and their applications to LVCS aligned to State standards. ***Recommend LVCS initiate annual updates to its Technology Plan with approval by the Board of Directors, and continue to conduct ongoing Technology Committee meetings to receive input from stakeholders about LVCS's future technology profile.***

2. LVCS acquires technology to meet its needs in a cost-effective manner. An evaluation of the applications and purchase values should be part of the practice. The technology infrastructure is only as good as the proficiency of the user. ***Recommend, before acquiring advanced technology, design and organize an appropriate staff training and development program that is user friendly.***

3. LVCS has conducted both on-site and network training programs. Although, the level of proficiency for both staff and students is open to question. The training program should evolve from the proficiency assessment. The California Technology Assistance Project (CTAP) can assist LVCS with their technology training and development program. CTAP has created a "Levels of Proficiency in Technology Skills" that measures Introductory, Intermediate, and Proficient levels for teachers that can be adapted for students and parents. ***Recommend the LVCS adapt the State's proficiency standards for its training program to determine the skill level for each staff member and student. Parents should also be considered in the assessment.***

4. LVCS appears to require more technology support than current resources allow. An ongoing assessment should be integral to the budget development process fitted within LVCS funding priorities. ***Recommend revising the Technology Plan incorporate current and forecasted needs of a growing LVCS.***

5. LVCS has virus protection for its network and procedures to protect and store data through backup. However, it is unclear as to who has access to the full system, firewalls, and codes. ***Recommend LVCS create redundancy throughout the data processing system and identify who has access and codes at every level.***

6. LVCS has a web site that it uses for communication designed to reach and inform the LVCS community. To determine its usefulness, LVCS should conduct periodic surveys about the medium for communications that will measure effectiveness and interest. ***Recommend LVCS continue to renew the presentation and web page content annually to reinvigorate and enliven its image inviting students within LVCS to participate in its continuing development.***

7. LVCS should review and update its policy to manage the safe, ethical, and appropriate access to the Internet for staff, parents, and students. Procedures and guidelines are in place but require the administration conduct staff development that will inform and

encourage compliance with the current guidelines. LVCS is using filter software but should evaluate the software's effectiveness on an ongoing basis. New software products invariably are introduced to the market that could improve LVCS's network system filtering capability. ***Recommend reviewing the Technology Use policy for currency.***

8. No single person should have control over the access and codes. Moreover, designations should include segregation of duties and validated through the Audit process. LVCS is vulnerable without backup designations in the event a staff member is absent or no longer employed with LVCS. ***Recommend LVCS develop, in conjunction with its Technology Plan, operating procedures that will maintain the integrity of the data processing system that includes maintenance, documentation retention, physical security, emergency response, and disaster preparedness.***

9. Technology user survey results can provide information for how LVCS channels its energy and resources validating current technology or search for other, more appropriate technology focused on improving administration productivity and elevating student achievement. ***Recommend LVCS conduct a user survey to determine satisfaction levels and whenever new applications are introduced.***

Food Service

According to the State, the food service function "is established to safeguard the health and well-being of students attending LVCS by providing nutritious, reasonably priced, meals contributing to a better understanding of good nutrition, and fostering good eating habits linked to student achievement." Federal and State mandates challenge food services to fulfill these requirements while maintaining a financially sound program. Reimbursement rates vary for needy students eligible for meal subsidies to ensure meals are available during school breakfast and lunch periods. Those who qualify for free meals generate a higher reimbursement per meal than those who qualify for a reduced-price meal. Reimbursements are critical to food services viability. All funds appropriated to the program are required, by federal regulations, to be used for the benefit of the school nutrition program. Funds are not to be diverted for other purposes but, typically, food services programs encroach on the General Fund as funding is less than operations cost. The State describes an,

> Effective school nutrition programs must use all available resources – human, materials, funding, and facilities – to the fullest. Successful programs are organized and managed on sound business principles and provide enjoyable, nutritious meals at reasonable prices. Moreover, successful programs require that the governing board, school administration, and nutrition program director agree on a philosophy. Team members need to understand one another's organizational and administration needs and processes. School nutrition programs are not to be construed solely as a fiscal entity but as a partner in the school's education program.

The Best Practices Assessment survey responses reveal LVCS operates a good food services program and respondents generally agree that it supports LVCS's education services delivery system.

1. The food services program does not have a strategic plan but should be part of the strategic planning process providing clarity about its partnership with LVCS and vision for the future. Informal program goals have been established and should be formally incorporated and updated when the strategic planning process commences. ***Recommend the food services program develop its strategic plan along with LVCS's.***

2. The food service program appears to be staffed adequately and able to respond to the program's needs given the scope of operation. The program does not have an organization chart with assignments aligned with job descriptions. ***Recommend conducting a workforce analysis with an eye on the program's future and capacity to deliver quality services to students.***

3. LVCS enables staff training opportunities to elevate their skills and keep abreast of program regulations. The training menu should be part of the LVCS's staff development plan and the budget should be adequate to support the staff development plan. ***Recommend contacting the County Office of Education and CDE about expanded food services training opportunities updating and designed to elevate staff skill levels through the Staff Development Plan.***

4. LVCS's food services program has operating procedures but should align with LVCS adopted policies recognizing the food service function as an integral part of the school. As part of LVCS's human resource development initiative, the program should include interns and invite volunteers to augment the food services delivery system. Program quality improves from client surveys providing feedback about program service delivery. ***Recommend reviewing food service policies for currency and alignment with procedures. Recommend developing an intern and volunteer program to support food services. Recommend distributing a client survey to organize and implement process improvements from the results.***

5. LVCS's food services program complies with all federal and state regulations, filing reports in a timely manner, and receives reimbursements to support the program's operation. A budget created from the Strategic Plan should frame a clearer fiscal profile for the current and future budget years. ***Recommend the food services program develop its strategic plan along with LVCS's developing budgets derived from the Plan's goals and objectives to minimize or eliminate encroachments enabling the program to accumulate resources for self-sufficiency.***

6. LVCS's food services program maximizes resources despite the resource constraints placed on its service delivery from federal and state regulations. Respondents hint there is a need to survey facilities, storage capacity, and conduct a suitability study incorporated into a facilities plan. ***Recommend incorporating the results from the suitability study into the adopted facilities planning process.***

7. LVCS's food service program may not have comprehensive performance and cost-efficiency measures to evaluate the quality of its service delivery and contractors' performance. ***Recommend implementing the process improvements through action planning contained in this narrative that will establish a performance baseline. Recommend distributing a client survey to receive feedback about food services delivery and contractor performance as measured by generally accepted best practices standards.***

8. The food services program conducts periodic performance reviews but the results are not announced consistently or widely distributed to all stakeholders who could lend support and suggest process improvements for operation efficiency and effectiveness. The program could evolve from a maintenance mode to higher program quality by including stakeholders and emulating peer program models quality elements and adapting process improvements. ***Recommend surveying other school programs and contacting the California Department of Education for ideas to elevate program quality.***

9. LVCS's food services program does not employ effective measures or links the budget to a strategic plan. This circumstance hampers the program's performance diminishing its ability to accumulate capital to support its long-range operational capacity. ***Recommend the food services program develop its strategic plan along with LVCS's creating budgets derived from the plan's goals and objectives to minimize or eliminate encroachments enabling the program to accumulate resources for self-sufficiency.***

10. LVCS's food service program complies with federal and state policies and regulations by following guidelines and recommendations flowing from programmatic reviews and accessible through the State Department of Education Nutrition Services Division. LVCS must ensure that adopted food services polices conform to these regulations and consistent with current operations and established procedures. ***Recommend reviewing LVCS's food service policies for currency and alignment with regulations and procedures.***

11. The respondents acknowledge a value for improved performance but there appears to be a gap between the mode of operation and plans for the future. A strategic planning process incorporating program assessments and evaluations should narrow the gap. Accountability dictates that the program communicate its processes and acknowledge its weaknesses with process improvement recommendations flowing from options the administration and Board of Directors consider for implementation. ***Recommend the food services program develop its strategic plan along with LVCS's communicating more effectively to all stakeholders the plan and process improvements though action planning.***

Transportation

Home-to-school transportation can be a service that benefits students who need a safe means to get to school and school systems that will retain their enrollment that otherwise may not be possible, particularly in rural settings. The State's policy encourages and supports:

> Effective pupil transportation programs must use all available resources – people, vehicles, funding, and facilities – to the fullest. Successful programs are organized and managed on sound business principles and provide safe and timely service at a reasonable cost. In addition, successful programs require that the governing board, the school administration, and the director agree on a philosophy. Team members need to understand one another's organizational and administrative needs and processes. Pupil transportation programs are not to be construed solely as a fiscal entity but a partner in the district's (school system's) educational program.

The challenge is to run a cost effective pupil transportation system within the constraints of budget appropriations that is becoming more challenging to the rider and school system. Best practices enable the school system to remove the impediments to efficient operations that will translate into cost effectiveness.

1. LVCS's home-to-school transportation function links its services to the community it serves. LVCS organizes service delivery around the needs of parents and students and within the bounds of budget resources. An effective pupil transportation system relies on community input for responsiveness and adaptable routing to ensure students arrive on time to school and drop off at stops that are safe and in proximity to their residences. ***Recommend the Administration conduct an information meeting for parents and the Board describing how the transportation function responds to constituents and support role in the education program.***

2. LVCS tracks the number and locations for students using transportation services. California school districts are required to report their ridership numbers to the Department of Education reporting system. Charter schools are not subject to this requirement but LVCS tracks ridership as a matter of best practices for logistics and routing. ***Recommend LVCS consider automating their student location and routing system considering future demographics and learning center locations.***

3. LVCS transportation services are designed to achieve cost-efficient service delivery. LVCS routing practices results in high occupancy and lower cost per mile despite the distances and demands of its rural setting. Walking distances and stops are designated to minimize the hazards and primarily concerned with the student's safety. LVCS consults with the California Highway Patrol for routes and stops. Coordination with school start and dismissal times and bus schedules allow sufficient time for boarding and departures. ***Recommend the LVCS conduct an annual routing survey based on ridership location and***

logistics to achieve optimum results. The outcome will be a more efficient and effective transportation services delivery system.

4. LVCS transportation system size allows better communication between the school and parents than a larger, more bureaucratic system. Staffing is adequate to deliver transportation services including substitutes as needed. ***Recommend a staffing review comparing other school transportation systems staffing levels to achieve optimum service delivery and minimize disruptions to pupil transportation.***

5. LVCS maintains transportation vehicles ensuring vehicles are maintained properly and according to maintenance schedules. LVCS seeks the most cost-effective vehicle maintenance available in LVCS service area. ***Recommend LVCS evaluate transportation vehicle maintenance program cost effectiveness annually linked to budget development. Recommend mechanic certification and validation annually.***

6. LVCS is able to hire and retain competent transportation personnel including substitutes who are trained and holding appropriate licenses. LVCS employment practices include screening, physical exams, and selecting drivers and mechanics able to perform their work effectively. LVCS is able to retain employees with low turnover; a positive performance measure. ***Recommend LVCS continue to its hiring practices that appear to work well. Annual personnel reviews provide feedback about performance and suggestions from employees for process improvements that will increase effectiveness. LVCS should consider a cost savings employee incentive program.***

7. LVCS provides driver training that is suited to the driving conditions in LVCS's service area. A perpetual training program ensures drivers and mechanics are kept abreast of changes in the law and regulations requiring their attention. ***Recommend consulting with the Department of Education and other school systems for best practices and training methods.***

8. LVCS requires a vehicle and equipment survey to determine fleet capacity responsive to service levels expected by the ridership. Moreover, LVCS should maintain a vehicle inventory listing all vehicles and depreciation schedule showing replacement timelines. Replacement timelines should be staggered to avoid budget impact. Transportation should be part of the strategic planning process. ***Recommend LVCS establish an inventory and replacement timeline that details the capital investment by fiscal year including additions in response to growth.***

9. LVCS Transportation operates a preventative maintenance program for school vehicles that includes routine service and maintenance of its vehicles with the associated record keeping. Inspections are conduced according to schedule in compliance with California Highway Patrol regulations. Preventative maintenance reduces costly breakdowns and will extend the life of the vehicles. ***Recommend LVCS conduct a Transportation management audit of records annually to ensure the department is complying with the law and LVCS maintenance policies. Automated record keeping eases the process and information retrieval.***

10. LVCS uses cost effective measures for fueling vehicles getting the highest value despite fluctuating petroleum product prices. LVCS fuels vehicles at pump stations that comply with environmental regulations. ***Recommend LVCS consider bidding for fuel and petroleum supplies to obtain the highest value.***

11. LVCS operates a vehicle maintenance shop that is conveniently situated to provide sufficient and secure support for vehicle maintenance and transportation functions. Vehicles are parked in secure locations. ***Recommend LVCS conduct a facilities adequacy study that takes into account growth, logistics, and service area.***

12. LVCS maintains a vehicle equipment and supply inventory to ensure transportation operates without interruption due to inadequate parts inventory. LVCS negotiates the best price from vendors for supplies and equipment. Transportation maintains an adequate inventory of supplies and equipment so as to maximize items on hand without overstocking. ***Recommend LVCS conduct a review of Transportation inventory practices and documentation in compliance with existing polices and procedures.***

13. LVCS ensures that all regular bus routes and activity trips operate in accordance with established routines and any unexpected contingencies affecting vehicle operations are handled safely and promptly. LVCS has response capability in emergencies. A disaster plan is in place and drills are conducted. ***Recommend LVCS conduct an emergency drill to ensure Transportation is prepared.***

14. LVCS provides efficient transportation services for exceptional students in a coordinated fashion that minimizes hardships to students. Transportation coordinates services with the Administration and parent for exceptional needs students in accordance with Individual Education Plans (IEPs). LVCS makes accommodation for exceptional needs students as needed when LVCS transportation has limitations. ***Recommend LVCS review accommodation policies and procedures for compliance.***

15. LVCS ensures that staff act promptly and appropriately in response to any accidents or breakdowns. LVCS Transportation has developed contingency plans in the event of an accident or breakdowns. LVCS Transportation is equipped with two-way communications. ***Recommend LVCS review its emergency response procedures updating the Disaster Plan as needed. Recommend LVCS conduct a drill to test its communication system a scenario in the event the existing system breaks down requiring an alternative.***

16. LVCS ensures that appropriate student behavior is maintained on the bus with students being held accountable for financial consequences of misbehavior related to transportation. ***Recommend Transportation staff and Administration review existing student disciplinary policies and procedures for currency.***

17. LVCS does not currently have the appropriate technological and computer support for transportation functions and operations. ***Recommend LVCS conduct a capacity survey and develop a strategic plan to address Transportation's technology applications needs.***

18. LVCS transportation staff in consultation with the Administration monitor the fiscal condition of transportation functions by regularly analyzing expenditures and reviewing them against the budget. ***Recommend Transportation staff and Administration review existing accounting and budget reporting to determine if reports and transactions are meaningfully presented for effective management of budgets and decision-making.***

19. The charter school has reviewed the prospect for privatizing transportation functions, as a whole or in part. As a best practice, school systems should always evaluate their transportation function and service quality. Quality that can be obtained from the existing resources to operate an effective transportation system given the service area limitations. ***Recommend a program quality review by survey and comparing Transportation to other exemplar school systems.***

20. The charter school has an accountability system for transportation and should make reports on its performance in comparison with established benchmarks. Benchmarks are important metrics to measure performance with other transportation systems. ***Recommend Transportation seek benchmark examples for process improvements from other similar school systems and CDE.***

RECOMMENDATIONS LISTING & ACTION PLAN

Team Member 1: Cindy Henry
Team Member 2: LT
Team Member 3: Consultant; Committee
Team Member 4:
Team Member 5:

Performance:

1. ***Recommend adopting a policy that affirms a broad based strategic and action planning process enabling the governance leadership to build a sustainable charter school education system. Such a policy will engage the Board of Directors and welcome stakeholders to participate in the process accountable for results in all operational areas.***
2. ***Recommend the administration continue improving its student achievement profile, information system, and evaluate the assessment program to determine correlation with the State standardized testing system. Periodic reports, supplemented in writing, to the Board, tracking student assessment results longitudinally, including disaggregated data for student populations, and are beneficial. Encourage LVCS calculate its RoI.***
3. ***Recommend LVCS continue stakeholder outreach and inclusion efforts that will support and help define LVCS's future direction and evolution in collaboration with the Board of Directors.***
4. ***Recommend LVCS develop a Business Plan and conduct a quality review and effectiveness through an advisor or banker seeking the answer to the question, "is LVCS investment worthy?"***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***1***	***Cindy***	***Get policy***	***January 2012***	***Time***
#2	***3***	***LT***	***Track student achievement***	***Quarterly***	***Time***
#3	***3***	***Cindy***	***Convene meetings***	***Monthly***	***Time, SAC***

#4	***3***	***Dr. Guthrie;*** *Stakeholder Committee*	***Provide the plan template***	***June 2012***	*Volunteers;* ***Travel time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Governance:

1. ***Recommend Board review their Uniform Complaint policy and procedure for currency. Recommend the Board continue to support a governance leadership self-evaluation process that is timely and administered consistently to obtain feedback about its performance. A conforming policy and procedure with evaluation instrument exhibits should be adopted.***
2. ***Recommend agenda planning meetings with the Board President and School Director at least one week prior to the meeting date to allow staff sufficient time to assemble and distribute the packet to the Board that is a good practice. Recommend the School Director adopt a Records Retention policy for how LVCS retains the Corporation and Board meeting documents such as meeting minutes, resolutions, and archival materials in a safe and fireproof depository.***
3. ***Recommend LVCS review its policy inventory to ensure that LVCS has all relevant and applicable policies. Moreover, ensure policies are compatible and organized to support, not interfere with, LVCS's administration and operations respecting the distinctions between the Board and administration domains. Recommend LVCS policies review for Incorporation Documents, Bylaws, Charter (Element #4), and Memorandum of Understanding for consistency.***
4. ***Recommend LVCS conduct a periodic review of the Attorney's service quality and performance and survey legal costs from other charter schools to determine if the LVCS is receiving the highest value for services rendered. Recommend Attorney policy including access process and procedure.***
5. ***Recommend LVCS review the Organization Chart for currency, anticipating organization changes, determine organization "fit" to avert the tendency for bureaucracies to expand as organizations grow adding functions and staff that potentially could create overlapping layers, increasing transaction costs without consideration of the overall impact on organization effectiveness, potential for conflict of interests, and nepotism. Recommend posting the organization chart on LVCS's web site and distribute to stakeholders as an information item.***
6. ***Recommend the LVCS conduct periodic and systematic surveys that will reveal other schools' staffing levels for comparative analysis and recommendations for change or validating current workforce, impact on operations, and budget resources available for a growing school.***
7. ***Recommend reports include Budget with Variances, Balance Sheet, Cash Flow, and Statement of Changes and Operating Position with narratives. Budget trending and long-term commitments presented to determine if LVCS is within its spending targets, cash flows, and has adequate resources to support its long-term commitments. Recommend Board training to include school and non-profit fund accounting. It is***

important that accountability systems be in place through policy and procedures ensuring LVCS complies through internal audits. LVCS's Auditor or consultant can provide guidance for this effort.

8. ***Recommend the administration review and develop an evaluation process, systems of accountability, and policy and procedures collaboratively with the Board having surveyed other school systems or expert consultation for process improvements.***
9. ***Recommend the LVCS organize a multi-year Strategic Planning process to include Action Planning with measurable objectives and timelines. Recommend adopting a Strategic Planning policy to promote and support strategic planning, action planning, implementation, and program evaluation and assessment as an ongoing process. Stakeholder roles should be recognized, encouraged, and an organization structure designed for the free flow of information, i.e., committees.***
10. ***Recommend LVCS continue developing projections that rely on historical data while tracking changes in enrolled students demographically factoring changes to the education program that may affect parent and student interests and choice. The budget has sufficient reserves that match the inherent enrollment projection risks based on a 3% average. Note: charter schools are not required to maintain an Economic Uncertainty Reserve (EUR).***
11. ***Recommend incorporating an evaluation and assessment process aligned with the strategic plan budget development and implementation process.***
12. ***Recommend the administration and Board receive periodic reports about LVCS's grants and results from the grant awards. LVCS has relied on staff and volunteers in the past and should consider employing a grant writer that could expand the opportunities beyond LVCS's limited resources devoted to resource mining.***
13. ***Recommend LVCS review the current public information methods to determine effectiveness for inclusion and outreach to other potential stakeholders. Communications in school systems are inherently imperfect and advisable to explore perpetually different means or media to communicate more effectively especially as technology advances. Recommend using Survey Monkey to reach and achieve a higher survey response rate.***
14. ***Recommend the LVCS strategize on how best to engage and expand partnerships including inviting partners to fill vacant Board and Council seats.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***3***	***Board***	***Annual review***	***Annually; Spring 2012***	***Time***
#2	***2***	***Ed Director***	***Archival of records***	***Aug 2012***	***Time, cost of safe***
#3	***2+***	***Board, Admin, AC***	***Documents Review***	***Aug 2012***	***Time***
#4	***3***	***Board and Ed Director***	***Services review***	***Annually; Ongoing***	***Time and attorney costs***

#5	***3***	***Board, Adv Co, Admin***	***Review Organization Chart***	***Aug 2013***	***Time***
Task	*Priority*	*Who*	*What*	*When*	*Budget*
#6	***2***	***Ed Director, Board, Fiscal Consultants***	***Review***	***June 2012***	***Time***
#7	***3***	***CSMC***	***Report***	***June 2012***	***Contract Rate***
#8	***2***	***Board, LT***	***Conduct an evaluation instruments review***	***March 2013***	***Time***
#9	***1***	***Board, LT, Dr. Guthrie***	***Develop strategic plan and process***	***January 2012***	***Consult fee; Time***
#10	***2***	***LT***	***Pull data and look for trends***	***June 2012***	***Time***
#11	***1***	***CSMC***	***Review strategic plan for budget impact/development***	***February 2012***	***Time***
#12	***2***	***Cindy***	***Add grant item to financial report***	***As needed***	***Time***
#13	***2***	***LT***	***Review outreach methods***	***July 2012***	***Time***
#14	***3***	***Board, LT***	***Review engagement activities***	***June 2013***	***Time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Human Resources:

1. ***Recommend posting open position announcements on LVCS's web site. Recommend an internal review of current practices for legal compliance and promoting applicant processes that are more effective.***
2. ***Recommend HR develop a survey to determine satisfaction levels for their services, response to staff needs, and measuring overall morale. Recommend an internal quality review or consultation for handbook to update and revise as necessary.***
3. ***Recommend the administration update the Staff Development Plan that includes examples of topics for meetings, approved sessions for staff development, and meeting schedules on a master calendar distributed to staff and published on the web site. The administration should alter the Staff Development Plan accordingly. The LVCS should access annually COE's training list and schedule. Staff development should be aligned to the individual employee's professional development plan and recognized through the evaluation process linked to each individual's performance. An ad hoc committee should be formed with staff members, including classified staff, to help design the Staff Development Plan that will maximize their interest and elevate their job skills benefiting LVCS. The budget should reflect a commitment to support the Staff Development Plan. Moreover, a Staff Development policy should encourage staff development including support continuing education and certifications.***
4. ***Recommend a tracking system for the evaluation cycle and assign personnel to monitor the process from evaluation distribution, evaluation appointments, to documentation with signatures from the supervisor and employee retained in updated personnel files.***
5. ***Recommend, for dismissal cases, the administration and Board of Directors continue to consult LVCS's Attorney about the most recent rules for the process and following guidelines from policy and the employee handbook.***
6. ***Recommend the administration establish a system of accountability through monitoring the reporting activity tracking absenteeism trends and anomalies. While LVCS has limited use of substitutes, it should identify what staff members require substitutes and for extended periods when work needs to be done. Recommend substitutes receive an orientation before reporting for work.***
7. ***Recommend an internal review or through consultation a check on HR files for completeness and legal compliance and advice about file system and retention.***
8. ***Recommend updating the Staff Development Plan for current issues regarding Health and Safety that will support LVCS's emphasis on safety and support its continued success with injury prevention with the assistance from an HR consultant and Workers Compensation insurance agent.***

9. ***Recommend the administration present health and benefit plan renewals at a Board meeting. Recommend the LVCS consult their Auditor about GASB 45 before considering alternate retirement plans.***
10. ***Recommend the LVCS conduct a work force analysis for HR in light of NCLB requirements and LVCS's staffing levels. Recommend an internal review and conduct a position control survey of other charter schools to determine wage and salary rates and compare job descriptions to discover disparities in LVCS's staffing allocations.***
11. ***Recommend LVCS continue its successful health and safety program and keep abreast of ways to improve the risk management program.***
12. ***Recommend LVCS continue operating the payroll system that is currently employed and working in a satisfactory manner.***
13. ***Recommend policy review and adoption, i.e. "Whistle Blower", and annual policy and incident reviews for revisions and process improvements.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***2***	***Cindy/Sherri***	***Review applicant process and policies, revising for Board adoption***	***August 2012***	***Time***
#2	***3***	***Cindy***	***Review survey***	***Annually***	***Time***
#3	***1***	***Cindy***	***Create a plan that includes dates, topics, and post to website***	***January 2012***	***Time***
#4	***1***	***LT***	***Create tracking system and process***	***Initially before March 1st, then Annually***	***Time***
#5	***3***	***Cindy***	***Consult attorney***	***As needed***	***Attorney fees***
#6	***2***	***Bonnie/Cindy***	***Train Bonnie on tracking absence;, create substitute orientation binder***	***August 2012***	***Time***
#7	***1***	***Cindy, LCOE***	***Review files for compliance***	***June 1st, 2012***	***Less than $1,000***
#8	***3***	***Cindy***	***Make sure that all trainings occur that LCOE provides***	***Annually in August***	***None***
#9	***2***	***CSMC***	***Compare plans and present to Board for action***	***December 2012***	***None***
#10	***2***	***Cindy***	***Conduct a work force analysis***	***August 2012***	***Time***
#11	***3***	***Cindy***	***Present LCOE materials***	***Annually in August***	***Time***

#12	***3***	***Cindy***	***Monitor efficiency of payroll service***	***Monthly***	***Time***
#13	***1***	***LT***	***Review and prepare for Board adoption***	***June 1st, 2012***	***Time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Education Service Delivery:

1. ***Recommend LVCS periodically present to the Board of Directors and LVCS community the student assessment program results in a meaningful way depicted in graphic form. Consider transferring processes and innovative practices that would be valuable for other school systems.***
2. ***Recommend the LVCS host training sessions facilitated by administration and LCOE Special Education representatives. Staff continue to identify exceptional students to ensure their needs are met, as well as, through curricula, instruction, and assessment. Recommend LVCS review special education program staff development program for effectiveness.***
3. ***Recommend the LVCS continue its efforts to identify and support individual student learning plans relying on its student information system. Recommend coordination between attendance and accounting departments when reporting student numbers and demographic profile monthly to identify students who may need additional instructional support. Recommend LVCS review ELL staff development program for effectiveness.***
4. ***Recommend refining the student database so it can identify students who might be eligible for gifted placement opportunities. Recommend conducting an LVCS accelerated program presentation describing the content and pedagogy to the Board and staff. Staff development should be employed for effective program delivery.***
5. ***Recommend LVCS develop a database for students who want to pursue work experience and designate staff to pursue the best opportunity that aligns with the student's interests and aptitude.***
6. ***Recommend the administration assemble a team of expert staff to conduct internal program evaluation process including a review of the SAC composition and adherence to Open Meetings Act as it is a "standing" committee. Goals, objectives, and measures of effectiveness should be established to determine the Return on Investment (RoI) and reviewed during the annual budget development process. The Strategic Planning process should align with the education planning process outcomes.***
7. ***Recommend the LVCS continue to refine, organize, and convene periodic inter grade level staff meetings tracking student matriculation. Retention data analysis should be part of the process.***

8. ***Recommend an annual review and evaluation of the current system with a work force analysis including ratios and effectiveness measures as part of the budget development process. Recommend the LVCS continue its comparisons and best practices research efforts obtained from other charter school systems and resource networks. Recommend the LVCS document and publish the results and reporting to staff and the Board of Directors. Typically, such results will create efficiencies the organization can employ to benefit the LVCS. Incentives for cost savings measures should be considered by the LVCS but are not necessarily monetary.***
9. ***Recommend the administration conduct an inventory of its textbooks and implement adoptions according to the cycle recommended by the State of California. Recommend assembling an ad hoc committee composed of staff, parents, and community to review and recommend appropriate textbooks and instructional materials that will fulfill State mandates and aligned with the LVCS's education program curricula. Recommend adopting a policy supporting this effort. Moreover, an inventory policy and procedures to guide the textbook and instructional materials disposition and disposal process.***
10. ***Recommend relying on periodic user surveys that can reveal ways to improve service delivery. Recommend including and develop a funding strategy for a library/media center in LVCS's Facilities and Technology Plans.***
11. ***Recommend the LVCS conduct periodic user surveys targeted to discover satisfaction with the training and applicability of the learning software used by the LVCS prescribed in the Technology Plan. Staff development is the most significant ingredient and indicator of a successful technology integrated instruction program.***
12. ***Recommend the LVCS conduct a internal quality review of special education and support services program to determine if it is operating effectively; not necessarily measured solely by "the letter of the law," but for the benefit of the student.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***1***	***Admin***	***Report***	***Board meetings***	***Time***
#2	***1***	***Admin***	***Training***	***August 2012***	***Time***
#3	***1***	***Admin, Adv Com***	***Reviews***	***December 2011, March 2012***	***Time***
#4	***3***	***LT***	***Review gifted opportunities***	***June 2013***	***Time***
#5	***3***	***Emily***	***Investigate work experience relationships***	***June 2013***	***Time***
#6	***2***	***LT***	***Periodically review minutes/actions of SAC***	***June 2012***	***Time***
#7	***3***	***All staff***	***Monthly collaboration time for inter-grade levels***	***Monthly; Continuous***	***Time***

#8	***2***	***LT***	***Research staffing ratios and best practices as part of budget development***	***June 2012***	***Time***
Task	*Priority*	*Who*	*What*	*When*	*Budget*
#9	***1***	***Cindy***	***Convene an ad hoc committee and research inventory systems; get policy from Dr. Guthrie***	***June 2012***	***$5,000***
#10	***1***	***LT and SAC***	***Develop and administer surveys***	***April 2012***	***Time***
#11	***1***	***LT and SAC***	***Develop and administer surveys***	***April 2012***	***Time***
#12	***1***	***LT***	***Review effectiveness of contracts, including SELPA services***	***June 2012***	***Time***
#13	***1***	***Admin; Committee***	***WASC Process***	***June, 2012***	*Time*
#14	***1***	***Board; Admin; Stakeholders***	***Charter School Contingency Plans and explore options in response to CDE decision***	***January/February***	*Time*

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Business Services Management:

1. ***Recommend continued training and education of the Chief Business Official (CBO) as part of the Staff Development Plan and for other staff hired to support the finance and accounting function. Instruction should include all phases of the operation.***
2. ***Recommend the LVCS continue to collaborate with the LVCS Auditor on financial accounting policies and procedures with recommendations flowing from the review and affirmed by LVCS's Attorney.***
3. ***Recommend Administration and contractor continue to present reports to the Board of Directors that are meaningful; not overly complex or so simple and lacking analysis that include Budget, Operating Statements showing budget variances and remainder expressed as a percentage, Balance Sheet, and Cash Flow Statements. For budget and interim reports, a multi-year projection should be part of the reporting process.***
4. ***Recommend policies for purchasing, contracts, and budget appropriation authority.***
5. ***Recommend LVCS continue its accountable operating practices and procedures enabled through policy.***
6. ***Recommend the CBO present the LVCS's annual Audit Report, with responses to audit exceptions, if any, during the Board meeting.***
7. ***Recommend the CBO present a Budget Development Calendar and Budget Guidelines for Board approval at the December Board meeting that will describe and initiate the process. A discussion about SAC meetings and its advisory role and stakeholder participation should also be part of the deliberations.***
8. ***Recommend integrating and aligning the strategic plans goals and objectives to the Budget resource allocations and annually evaluate the return on investment.***
9. ***Recommend periodic review of Auditor's service quality and contracted according to the State's recommended terms and conditions.***
10. ***Recommend the Board of Directors continue its support for an Executive Committee that exercises oversight of the auditing process.***
11. ***Recommend the CBO conduct a review and presentation during a Board meeting about the link between the Audit process and financial reporting.***
12. ***Recommend the LVCS adopt an Investment policy.***
13. ***Recommend LVCS develop Inventory and Equipment Checkout policies for Board adoption.***
14. ***Recommend the CBO present to the administration and Board of Directors the framework for a Capital Projects Plan triggered by major outlay(s) for review and impact on budgets for the current and subsequent years.***
15. ***Recommend developing an Investment policy that includes provisions for a Debt Liquidation Plan as appropriate and present to the Board of Directors.***

16. ***Recommend the CBO report on the LVCS's Debt Management procedures and present to the administration and Board of Directors.***

17. ***Recommend LVCS update its LVCS Risk Management Plan annually with the assistance of the insurance provider.***
18. ***Recommend LVCS review and update risk management policies annually, or as needed, to conform to current operations and comply with the Charter.***
19. ***Recommend scheduling the presentation of the insurance program and the annual review process to the Board of Directors.***
20. ***Recommend a Purchasing policy adoption and procedures developed and aligned with accounting procedures and practices.***
21. ***Recommend adopting an Inventory policy and procedure that conform to accounting principles and LVCS accounting practices.***
22. ***Recommend the Board of Directors receive a report when LVCS's enrollment and need merits consideration and establishment of a warehousing management system along with budget considerations.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***2***	***Cindy***	***Receive training through CSDC and/or CSMC***	***Summer 2012***	***Conference Fee***
#2	***3***	***Cindy/Scott***	***Confer with Auditor***	***Continual***	***Time***
#3	***2***	***Cindy/Scott***	***Pull and present reports***	***Continual***	***Time***
#4	***3***	***Cindy.Scott***	***Pull policies and update with Dr. Guthrie's help***	***August 2012***	***Time***
#5	***3***	***Cindy/Scott***	***Continue following set policies***	***Annually; Ongoing***	***Time***
#6	***3***	***Cindy***	***Present audit findings at December Board meeting***	***Annually; Ongoing***	***Time***
#7	***2***	***Scott***	***Develop a budget development Calendar and Guidelines***	***January, 2012***	***Time***
#8	***1***	***LT***	***Implement the strategic plan as designed and prioritized***	***Annually by priority***	***Time***
#9	***3***	***Scott***	***Review Auditing firm services quality***	***June 2013***	***Time***
#10	***3***	***Board***	***Continue support of audit process***	***Annually; Ongoing***	***Time***
#11	***2***	***Scott***	***Document link and present to Board***	***August 2012***	***Time***
#12	***3***	***LT/Board***	***Develop a policy in consultation with Dr. Guthrie***	***December 2013***	***Time***

#13	***1***	***LT/Board***	***Create and adopt policy***	***August 1, 2012***	***Unknown***
#14	***3***	***Scott***	***Present information***	***December 2013***	***Time***
#15	***3***	***See # 12***			
Task	*Priority*	*Who*	*What*	*When*	*Budget*
#16	***2***	***Scott***	***Report on debt management procedures***	***June 2013***	***Time***
#17	***3***	***LT***	***Continue updating as needed***	***Annually; Ongoing***	***Time***
#18	***3***	***See #17***			
#19	***2***	***Sherri***	***Present information to Board***	***August 2012***	***Time***
#20	***1***	***LT/Board***	***Create and adopt policy***	***June 30th, 2012***	***Time***
#21	***1***	***LT/Board***	***Create and adopt policy***	***June 30th, 2012***	***Time***
#22	***2***	***LT***	***Report to board as needed***	***Annually; Ongoing***	***Time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Administrative and Instructional Technology:

1. ***Recommend LVCS initiate annual updates to its Technology Plan with approval by the Board of Directors, and continue to conduct ongoing Technology Committee meetings to receive input from stakeholders about LVCS's future technology profile.***
2. ***Recommend, before acquiring advanced technology, design and organize an appropriate staff training and development program that is user friendly.***
3. ***Recommend the LVCS adapt the State's proficiency standards for its training program to determine the skill level for each staff member and student. Parents should also be considered in the assessment.***
4. ***Recommend revising the Technology Plan incorporate current and forecasted needs of a growing LVCS.***
5. ***Recommend LVCS create redundancy throughout the data processing system and identify who has access and codes at every level.***
6. ***Recommend LVCS continue to renew the presentation and web page content annually to reinvigorate and enliven its image inviting students within LVCS to participate in its continuing development.***
7. ***Recommend reviewing the Technology Use policy for currency.***
8. ***Recommend LVCS develop, in conjunction with its Technology Plan, operating procedures that will maintain the integrity of the data processing system that includes maintenance, documentation retention, physical security, emergency response, and disaster preparedness.***
9. ***Recommend LVCS conduct a user survey to determine satisfaction levels and whenever new applications are introduced.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***1***	***Cindy***	***Send letter asking parents to be a part of committee to update; convene committee to update plan***	***March 2012***	***Time***
#2	***2***	***John/Jeff***	***Develop staff development plan and schedule***	***Before ~~As~~ purchases are made***	***Time***
#3	***1***	***LT***	***Administer CTAP technology assessment to staff, students, and parents***	***June 2012***	***Time***

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#4	***1***	***Adv Com, Admin, Tech***	***Tech Plan***	***Aug 2012***	***Time; Consultant Fee***
#5	***1***	***Admin***	***Code/password protocol***	***January 2012***	***Time***
#6	***2***	***Sherri***	***Update web page***	***Annually; Ongoing***	***Time***
#7	***3***	***LT***	***Utilize CTAP recommended policy for currency***	***Annually; Ongoing***	***Time***
#8	***1***	***Tech, Admin, Board***	***Develop procedures***	***August, 2012***	***Consultant Fee***
#9	***2***	***Tech, Admin, Staff***	***Tech survey***	***Spring 2012***	***Time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Facilities Maintenance:

1. ***Recommend LVCS develop a Facilities Plan with the support and advice of a Facilities Development Committee.***
2. ***Recommend LVCS continue annual property suitability appraisals to determine fit to the education program and support functions LVCS operates with an eye to the future especially for energy use and management relying on historical and comparative data.***
3. ***Recommend the LVCS conduct a staff facilities suitability survey.***
4. ***Recommend a maintenance services quality review and incorporate the recommendations into its operations.***
5. ***Recommend the LVCS review the requirements and obligations of SB 1054 adapting the provisions of the California Building Standards Code (CSBC) and enforced by local building enforcement agencies with jurisdiction over the area in which the charter school is located. This provision does not apply to charter schools that are already subject to the requirements of the Field Act. The Field Act governs design, construction, reconstruction, and/or alteration of school buildings for the protection of life and property. LVCS must ensure that current and future buildings conform to SB 1054.***
6. ***Recommend LVCS conduct periodic evaluation of existing services to employ the most efficient and effective maintenance and operations by either contract or staff support.***
7. ***Recommend if the option is exercised, hiring personnel that fulfill the expectations described in the maintenance and operations job descriptions.***
8. ***Recommend conducting a staff survey.***
9. ***Recommend LVCS continue budgeting according to the goals and objectives derived from the strategic planning process.***
10. ***Recommend the Board adopt a policy providing administration guidelines on cost estimates and project approval process.***
11. ***Recommend LVCS develop a risk management plan that includes insurance coverage and deductibles that would determine the appropriate reserve levels if LVCS decides to set-aside a Facilities Maintenance and/or Special Reserve, Capital Projects Fund.***
12. ***Recommend the administration review, revise the purchasing policy, and conduct a presentation with flow charts describing how the purchasing process flows.***
13. ***Recommend employing surveys to determine services satisfaction levels.***
14. ***Recommend an Inventory and Surplus Property policy that conforms to LVCS practices and the law.***
15. ***Recommend convening an administrative team to plan and implement LVCS's initiative to save energy through the assistance of utilities best equipped to suggest ideas for conservation.***
16. ***Number 15 repeated.***

17. ***Recommend administration acquaint the Board of Directors about the process of facility services support.***
18. ***Recommend LVCS survey staff about service delivery distributed to the staff along with a Board of Directors report.***
19. ***Recommend a periodic review of LVCS's ability to respond to facility maintenance emergencies.***
20. ***Recommend periodic desk review/drills by the staff. They are a convenient and an acceptable way to keep the staff alert and responsive. Recommend shut off valves, electrical panels, alarms, and other facilities appliances should be mapped and recognizable to staff so they can respond appropriately or call emergency personnel if there are malfunctions. All new employees need training when hired.***
21. ***Recommend LVCS continue a periodic review of existing and new facility compliance with current building codes.***
22. ***Recommend LVCS develop and implement a Facilities Plan with the support and advice of a Facilities Development Committee.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***1***	***Cindy***	***Convene a facilities development committee to create the policy for approval***	***June 30, 2012***	***Time***
#2	***1***	***Cindy***	***Conduct suitability study***	***June 30, 2012***	***Time***
#3	***1***	***Cindy***	***Conduct suitability study***	***June 30, 2012***	***Time***
#4	***3***	***LT***	***Develop a checklist in conjunction with SAC that selected parents can use to conduct a review of maintenance services***	***June 2013***	***Time***
#5	***3***	***LT***	***Does not apply at this time – if plan to build exists, we will revisit***		
#6	***3***	***LT***	***Evaluate staff annually***	***Annually; Ongoing***	***Time***
#7	***3***	***LT***	***Evaluate staff annually***	***Annually; Ongoing***	***Time***
#8	***3***	***LT***	***Develop maintenance questions in conjunction with SAC***	***Annually***	***Time***
#9	***3***	***LT***	***Evaluate ongoing***	***Annually; Ongoing***	***Time***
#10	***3***	***LT***	***Continue using current policy practice***	***Annually; Ongoing***	***Time***

#11	***3***	***Sherri***	***In conjunction with JPA Rep***	***June 2013***	***Time***
#12	***1***	***Cindy/Scott***	***Review and revise purchasing policy***	***May 31, 2012***	***Time***
Task	*Priority*	*Who*	*What*	*When*	*Budget*
#13	***3***	***LT***	***See #8***		
#14	***1***	***LT***	***Create a policy for surplus and inventory***	***June 30, 2012***	***Time***
#15	***2***	***Cindy/Dave***	***Get policy Dave and present to board for approval***	***August 2012***	***Time***
#16					
#17	***3***	***LT/Burt***	***Report outcome of surveys to the board; have Burt give a tour during board meeting***	***December 2012***	***Time***
#18	***2***	***LT***	***Staff survey***	***December 2012***	***Time***
#19	***3***	***LT***	***Ongoing communication with landlords***	***Annually; Ongoing***	***Time***
#20	***1***	***LT***	***Create a schedule for all sites to practice disaster drills***	***Feb. 1, 2012***	***Time***
#21	***2***	***LT***	***Survey***	***Annually; August 2012***	***Time***
#22	***1***	***LT***	***Implement the policy***	***August 2012***	***Time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Food Services:

1. ***Recommend the food services program develop its strategic plan along with LVCS's.***
2. ***Recommend conducting a workforce analysis with an eye on the program's future and capacity to deliver quality services to students.***
3. ***Recommend contacting the County Office of Education and CDE about expanded food services training opportunities updating and designed to elevate staff skill levels through the Staff Development Plan.***
4. ***Recommend reviewing food service policies for currency and alignment with procedures. Recommend developing an intern and volunteer program to support food services. Recommend distributing a client survey to organize and implement process improvements from the results.***
5. ***Recommend the food services program develop its strategic plan along with LVCS's developing budgets derived from the Plan's goals and objectives to minimize or eliminate encroachments enabling the program to accumulate resources for self-sufficiency.***
6. ***Recommend incorporating the results from the suitability study into the adopted facilities planning process.***
7. ***Recommend implementing the process improvements through action planning contained in this narrative that will establish a performance baseline. Recommend distributing a client survey to receive feedback about food services delivery and contractor performance as measured by generally accepted best practices standards.***
8. ***Recommend surveying other school programs and contacting the California Department of Education for ideas to elevate program quality.***
9. ***Recommend the food services program develop its strategic plan along with LVCS's creating budgets derived from the plan's goals and objectives to minimize or eliminate encroachments enabling the program to accumulate resources for self-sufficiency.***
10. ***Recommend reviewing LVCS's food service policies for currency and alignment with regulations and procedures.***
11. ***Recommend the food services program develop its strategic plan along with LVCS's communicating more effectively to all stakeholders the plan and process improvements though action planning.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***1***	***Cindy/Ann***	***Develop a strategic plan***	***August 1, 2012***	***Time***
#2	***3***	***Cindy/Ann***	***Develop survey for staff,***	***August 1, 2012***	***Time***

			parents, students		
Task	*Priority*	*Who*	*What*	*When*	*Budget*
#3	***3***	***Cindy/Ann***	***Contact LCOE***	***August, 2013***	***Time***
#4	***1***	***Cindy/Ann***	***Develop policies***	***August 1, 2012***	***Time***
#5	***1***	***Cindy/Ann***	***Develop strategic plan***	***August 1, 2012***	***Time***
#6	***3***	***Cindy/Ann***	***Incorporate recommendations***	***August 1, 2012***	***Time***
#7	***2***	***Cindy/Ann***	***Develop a survey to distribute***	***August 1, 2012***	***Time***
#8	***3***	***Cindy/Ann***	***Continue Rae Lee communications***	***Annually; Ongoing***	***Time***
#9	***1***	***Cindy/Ann***	***Develop strategic plan***	***August 1, 2012***	***Time***
#10	***1***	***Cindy/Ann***	***Develop strategic plan***	***August 1, 2012***	***Time***
#11	***2***	***Cindy/Ann***	***Annual reports to board***	***Annually; Ongoing***	***Time***

Team Member 1:
Team Member 2:
Team Member 3:
Team Member 4:
Team Member 5:

Transportation:

1. ***Recommend the Administration conduct an information meeting for parents and the Board describing how the transportation function responds to constituents and support role in the education program.***
2. ***Recommend LVCS consider automating their student location and routing system considering future demographics and learning center locations.***
3. ***Recommend the LVCS conduct an annual routing survey based on ridership location and logistics to achieve optimum results. The outcome will be a more efficient and effective transportation services delivery system.***
4. ***Recommend a staffing review comparing other school transportation systems staffing levels to achieve optimum service delivery and minimize disruptions to pupil transportation.***
5. ***Recommend LVCS evaluate transportation vehicle maintenance program cost effectiveness annually linked to budget development. Recommend mechanic certification and validation annually.***
6. ***Recommend LVCS continue to its hiring practices that appear to work well. Annual personnel reviews provide feedback about performance and suggestions from employees for process improvements that will increase effectiveness. LVCS should consider a cost savings employee incentive program.***
7. ***Recommend consulting with the Department of Education and other school systems for best practices and training methods.***
8. ***Recommend LVCS establish an inventory and replacement timeline that details the capital investment by fiscal year including additions in response to growth.***
9. ***Recommend LVCS conduct a Transportation management audit of records annually to ensure the department is complying with the law and LVCS maintenance policies. Automated record keeping eases the process and information retrieval.***
10. ***Recommend LVCS consider bidding for fuel and petroleum supplies to obtain the highest value.***
11. ***Recommend LVCS conduct a facilities adequacy study that takes into account growth, logistics, and service area.***
12. ***Recommend LVCS conduct a review of Transportation inventory practices and documentation in compliance with existing polices and procedures.***
13. ***Recommend LVCS conduct an emergency drill to ensure Transportation is prepared.***
14. ***Recommend LVCS review accommodation policies and procedures for compliance.***
15. ***Recommend LVCS review its emergency response procedures updating the Disaster Plan as needed. Recommend LVCS conduct a drill to test its communication system a scenario in the event the existing system breaks down requiring an alternative.***

16. ***Recommend Transportation staff and Administration review existing student disciplinary policies and procedures for currency.***
17. ***Recommend LVCS conduct a capacity survey and develop a strategic plan to address Transportation's technology applications needs.***
18. ***Recommend Transportation staff and Administration review existing accounting and budget reporting to determine if reports and transactions are meaningfully presented for effective management of budgets and decision-making.***
19. ***Recommend a program quality review by survey and comparing Transportation to other exemplar school systems.***
20. ***Recommend Transportation seek benchmark examples for process improvements from other similar school systems and CDE.***

Priority Level: 1-Urgent; 2-Necessary; 3-Pending

Task	*Priority*	*Who*	*What*	*When*	*Budget*
#1	***2***	***Bus Driver, Board, Admin***	***Information presentation***	***August 2012***	***Time; Bus Driver rate***
#2	***2***	***Bus Driver, Board, Admin***	***Routing system***	***August 2012***	***Time; software; Bus Driver rate***
#3	***3***	***See #2***	***Routing Review***	***August 2012***	
#4	***2***	***See #2***	***Transportation Review***	***August 2012***	***Bus Driver time; Time***
#5	***2***	***Admin, Board***	***Review of vehicle maintenance program cost/effectiveness***	***Every 45 days***	***Maintenance cost***
#6	***3***	***LT***	***Continue following hiring policies***	***Annually; Ongoing***	***Time***
#7	***3***	***Cindy***	***Reach out to other transportation systems for best practices***	***June 2013***	***Time***
#8			***N/A at this time – lease inventory***		
#9	***3***	***Cindy/Cheryl***	***Continue auditing records as needed for CHP inspections***	***Annually; Ongoing***	***Time***
#10	***3***	***Cindy/Cheryl***	***Continue monitoring prices with current fuel provider and others for options***	***Annually; Ongoing***	***Time***
#11	***3***	***Cindy***	***Suitability study***	***June 2013***	***Time***
#12	***3***	***Cindy/Cheryl***	***Review policies, update with assistance from Dr. Guthrie***	***June 2013***	***Time***

#13	***2***	***Cindy/Cheryl***	***Continue emergency drills as required by CHP***	***August 2012***	***Time***
Task	*Priority*	*Who*	*What*	*When*	*Budget*
#14	***3***	***Cindy***	***Review policies***	***June 2013***	***Time***
#15	***3***	***Cindy***	***Annually update plan as needed***	***Annually; Ongoing***	***Time***
#16	***3***	***Cindy/Cheryl***	***Annually review disciplinary policy***	***Annually, Ongoing***	***Time***
#17	***3***	***Cindy/Cheryl/SAC***	***Develop survey***	***June 2013***	***Time***
#18	***3***	***Cindy/Scott***	***Continue monitoring costs and reporting***	***Annually, Ongoing***	***Time***
#19	***3***	***Cindy/SAC***	***Survey development and seek contact with exemplary transportation programs***	***June 2013***	***Time***
#20	***3***	***Cindy***	***Seek information from other systems that have exemplary programs***	***June 2013***	***Time***

NOTES

ATTACHMENT G

Board Policy #4

Long Valley Charter School
General Purchasing Procedures

Purchasing Guidelines

All purchases must be included in and not exceed the approved budgets. Equipment, Furniture, Improvements, and Capital purchases may not be made without Board approval.

All purchases excluding curriculum exceeding $1,500.00 require an informal quote from at least three vendors to ensure Long Valley Charter School (LVCS) has received the most value for their purchases.

Items and services exceeding $2,500.00 require Board approval prior to purchase.

Items or services exceeding $10,000.00 must be pre-approved by the Board of Directors (either through the annual budget process or through a separate Board Agenda Item) and must be acquired through a formal quotation process with written responses from potential vendors, and acceptance of the best quotation by the Board of Directors.

All purchases except those made with a credit card or Revolving Fund check must adhere to the following procedures:

Purchase Requisitions

1. Purchase Requisitions are submitted to the *Regional Program Coordinator. Once approved by the Regional Program Coordinator, the Requisition is submitted to the Education Director.*

2. *Education* Director reviews the Purchase Requisition and approves or denies it within a timely manner. If the requisition is denied, the *Education* Director will return the requisition to the requestor with an explanation as to why it was denied and what action is required.

3. The *Regional Program Coordinator or School Secretary* then processes approved Purchase Requisitions.

4. Purchase requisitions received after *March* 15th of each year will not be approved for the current budget year except for those required to meet a facility emergency or those requesting custodial or maintenance supplies in order to close the books by June 30th of each fiscal year.

Purchase Orders

1. The *Regional Program Coordinator or School Secretary* transfers the order information from the Purchase Requisition form to the Purchase Order form assigning the appropriate purchase order number. This is done as quickly as possible. (The PO is attached to all purchase requisition forms that will be connected to that purchase order.)

2. *The Regional Program Coordinator or School Secretary* then places the order with the vendor; verifying the availability and estimated deliver date of the product, which is then recorded on the Purchase Order. Purchase Orders are stamped with No Back Orders and are cancelled if not filled within 30 days.

3. After the order is placed, the Purchase Order with the Purchase Requisitions attached, is then placed in a "Pending Binder" and filed numerically.

4. Purchase orders will not be issued after *March 20th* of the current budget year except for those required to meet a facility emergency or for custodial and maintenance supplies in order to close the books by June 30th each fiscal year.

Credit Card Purchases

1. Purchases made with the Charter School credit card do not require a purchase order.

2. Credit card purchases will not be made after March *30th* to of the current budget year except for those required to meet a facility emergency or for custodial and maintenance supplies in order to close the books by June 30th each fiscal year.

Receiving Procedures

1. The *Regional Program Coordinator or School Secretary* who receives the purchase will pull the original Purchase Order, document when the purchases are received, initial the packing list, note whether or not the order is complete, and if items were received in good condition. If there is no packing slip with the order, a copy of the Purchase Order will be substituted for the packing slip.

2. Purchases will then be inventoried and identified with the LVCS stamp prior to delivery to the requestor.

3. The packing slip will be copied and the copy will be placed with the order for delivery to the requestor. The original packing slip will be attached to the original Purchase Order and filed *in the Vendor file.*

4. The school will contact the requestor when the order has been processed through Receiving.

Payment

1. Payments (Bills and Warrants) must be approved by the Board of Directors at a Board Meeting.

2. Invoices and packing list must be matched to the purchase order for payment. Invoice and account numbers must be reflected on all payments. Upon payment a copy of the check voucher will be attached to the invoice packet and the packet will be filed in the Vendor file chronologically.

3. Revolving Fund checks require at least two *authorized* signatures. Revolving Fund purchases do not require a purchase order. A receipt must be attached to the copy of the Revolving Fund check.

4. Credit card receipts must be attached to the credit statement in order to process payment.

ATTACHMENT H

LONG VALLEY CHARTER SCHOOL

INDEPENDENT AUDITORS' REPORT

FOR THE FISCAL YEAR ENDED

JUNE 30, 2011

LONG VALLEY CHARTER SCHOOL

INTRODUCTORY SECTION

JUNE 30, 2011

LONG VALLEY CHARTER SCHOOL
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JUNE 30, 2011

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LONG VALLEY CHARTER SCHOOL

FINANCIAL SECTION

JUNE 30, 2011

INDEPENDENT AUDITORS' REPORT

Board of Directors
Long Valley Charter School
Doyle, California

We have audited the accompanying statement of financial position of Long Valley Charter School as of June 30, 2011, and the related statements of activities and cash flows for the fiscal year then ended. These financial statements are the responsibility of the Long Valley Charter School's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Long Valley Charter School as of June 30, 2011, and the changes in its net assets and its cash flows for the fiscal year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated November 18, 2011, on our consideration of the Long Valley Charter School's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreement and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards*, and important for assessing the results of our audit.

INDEPENDENT AUDITORS' REPORT
Page 2

Our audit was performed for the purpose of forming an opinion on the financial statements of Long Valley Charter School, taken as a whole. The accompanying supplementary information listed in the Table of Contents, is presented for purposes of additional analysis and is not a required part of the financial statements of Long Valley Charter School. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and, in our opinion, is fairly stated, in all material respects, in relation to the financial statements taken as a whole.

San Diego, California
November 18, 2011

LONG VALLEY CHARTER SCHOOL
STATEMENT OF FINANCIAL POSITION
JUNE 30, 2011

ASSETS		
Current assets:		
Cash and cash equivalents (Note 3)	$	69,655
Accounts receivable (Note 4)		345,987
Prepaid expenses		3,378
Total current assets		419,020
Fixed assets, net of depreciation (Note 5)		344,035
Total assets	$	763,055
LIABILITIES AND NET ASSETS		
Current liabilities:		
Accounts payable	$	64,786
Accrued expenses		151,565
Current portion of long-term liabilities (Note 6)		124,202
Total current liabilities		340,553
Long-term liabilities:		
Notes payable, net of current portion (Note 6)		237,756
Total long-term liabilities		237,756
Total liabilities		578,309
Net assets:		
Unrestricted		184,746
Total net assets		184,746
Total liabilities and net assets	$	763,055

The notes to the financial statements are an integral part of the statement.

LONG VALLEY CHARTER SCHOOL
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

	Unrestricted
REVENUES	
Revenue limit sources:	
State apportionments	$ 1,663,551
In-lieu of property taxes	240,458
Federal revenues	106,712
State revenues	421,257
Local revenues	23,405
Total revenues	2,455,383
EXPENSES	
Program services	
Education	1,890,919
Support services	
Management and general	441,442
Fundraising	4,393
Total expenses	2,336,754
CHANGE IN NET ASSETS	118,629
NET ASSETS, BEGINNING OF YEAR	66,117
NET ASSETS, END OF YEAR	$ 184,746

The notes to the financial statements are an integral part of the statement.

LONG VALLEY CHARTER SCHOOL
STATEMENT OF CASH FLOWS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

Cash flows from operating activities:		
Change in net assets	$	118,629
Adjustments to reconcile change in net assets to net cash from operating activities:		
Depreciation		9,853
(Increase) decrease in operating assets:		
Accounts receivable		(51,427)
Prepaid expenses		(3,378)
Increase (decrease) in operating liabilities:		
Accounts payable		(59,014)
Accrued expenses		151,565
Current loan		(45,000)
Net cash flows from operating activities		121,228
Cash flows used in investing activities		
Purchase of land		(276,247)
Net cash flows used in investing activities		(276,247)
Cash flows from financing activities:		
Proceeds from loan		262,500
Payment on loans		(111,372)
Net cash flows from financing activities		151,128
Net decrease in cash		(3,891)
Cash and cash equivalents, beginning of year		73,546
Cash and cash equivalents, end of year	$	69,655

The notes to the financial statements are an integral part of the statement.

LONG VALLEY CHARTER SCHOOL
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

NOTE 1 - ORGANIZATION

Long Valley Charter School (Organization) is a non-profit public benefit corporation. The Organization was petitioned and approved through the State Board of Education for a five-year period ending in June 30, 2015. The Organization was approved by the State of California Department of Education on July 27, 2000.

The Organization commenced operations during the 2000-2001 fiscal year and currently serves approximately 194 students in kindergarten through grade 12.

The mission of the Organization is to equip rural students with the educational skills necessary in the 21st Century – the ability to read, write, speak, and calculate with clarity and precision, and the ability to participate intelligently and responsibly in a global society.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Financial Statement Presentation

The financial statements are presented in conformity with Accounting Standards Codification (ASC) 958-205, *Non-For-Profit Entities – Presentation of Financial Statements*. Under ASC 958-205, the Organization reports information regarding its financial position and activities according to three classes of net assets: unrestricted, temporarily restricted, and permanently restricted. The Organization has no temporarily restricted or permanently restricted net assets. In addition, the Organization is required to present a Statement of Cash Flows.

B. Accounting Method - Basis of Accounting

The financial statements were prepared in accordance with accounting principles generally accepted in the United States of America as applicable to not-for-profit organizations. Basis of accounting refers to when revenues and expenses are recognized in the accounts and reported on the financial statements. Basis of accounting relates to the timing of measurement made, regardless of the measurement focus applied. The Organization uses the accrual basis of accounting. Revenues are recognized when they are earned and expenditures are recognized in the accounting period in which the liability is incurred.

C. Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

LONG VALLEY CHARTER SCHOOL
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Income Taxes

The Organization is exempt from income taxes under Internal Revenue Code Section (IRC §) 501(c)(3). It is, however, subject to income taxes from activities unrelated to its tax-exempt purpose.

E. Functional Allocation of Expenses

The costs of providing the program services have been summarized on a functional basis in the statement of activities. Accordingly, certain costs have been allocated among the program services based on employees' time incurred and management's estimates of the usage of resources.

F. Cash

For purposes of the Statement of Cash Flows, the Organization considers all cash on hand and in banks.

G. Fixed Assets

Fixed Assets are recorded at cost and depreciated under the straight-line method over their estimated useful lives of 3 to 5 years. Repair and maintenance costs, which do not extend the useful lives of the asset, are charged to expense. The cost of assets sold or retired and related amounts of accumulated depreciation are eliminated from the accounts in the year of disposal, and any resulting gain or loss is included in the earnings. Management has elected to capitalize and depreciate all assets costing $5,000 or more; all other assets are charged to expense in the year incurred.

H. Deferred Revenue

Deferred Revenue represents federal and state contract funds received, but not expended. These funds must be expended in accordance with the provisions of the contract to which they apply or refund if not expended under the terms of the contract.

NOTE 3 - CASH AND CASH EQUIVALENTS

A. Cash in County Treasury

The Organization maintains a portion of its cash in the County Treasury as part of the common investment pool ($498 as of June 30, 2011). The fair value of the Organization's portion of this pool as of that date, as provided by the pool sponsor, was $500. Assumptions made in determining the fair value of the pooled investment portfolios are available from the County Treasurer.

LONG VALLEY CHARTER SCHOOL
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

NOTE 3 - CASH AND CASH EQUIVALENTS (CONTINUED)

The county is restricted by Government Code Section 53635 pursuant to Section 53601 to invest in time deposits, U.S. Government securities, state registered warrants, notes or bonds, State Treasurer's investment pool, bankers' acceptances, commercial paper, negotiable certificates of deposit, and repurchase or reverse repurchase agreements.

B. Cash in banks

Cash and cash equivalents at June 30, 2011, consisted of the following:

Pooled Funds:		
Cash in County Treasury	$	498
Deposits:		
Cash in banks		69,157
Total cash and cash equivalents	$	69,655

Cash balances held in banks are insured up to $250,000 by the Federal Depository Insurance Corporation (FDIC). The Organization maintains its cash in bank deposit accounts that at times may exceed federally insured limits. At June 30, 2011, the Organization did not have any uninsured funds.

NOTE 4 - ACCOUNTS RECEIVABLE

Accounts receivable at June 30, 2011, consisted of the following:

Revenue limit sources:		
State apportionments	$	16,497
In-lieu of property taxes		115,625
Federal revenues		29,366
State revenues		184,499
Total accounts receivable	$	345,987

NOTE 5 - FIXED ASSETS

Fixed assets at June 30, 2011, consisted of the following:

Land	$	276,247
Buildings improvements		66,430
Furniture and fixtures		42,697
Less: accumulated depreciation		(41,339)
Total fixed assets, net of depreciation	$	344,035

LONG VALLEY CHARTER SCHOOL
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

NOTE 5 - FIXED ASSETS (CONTINUED)

During the fiscal year ended June 30, 2011, $9,853 was charged to depreciation expense.

NOTE 6 - LONG-TERM LIABILITIES

A. Long-term liabilities activity

Long-term liabilities activity includes debt and other long-term liabilities. Changes in obligations for the fiscal year ended June 30, 2011, are as follows:

	Balance 2010	Additions	Payments	Balance 2011	Due in one year
Promissory note - Jason and Gailene Murry	$ -	$ 262,500	$ 5,957	$ 256,543	$ 18,787
C.D.E. repayments	210,830	-	105,415	105,415	105,415
Total	$ 210,830	$ 262,500	$ 111,372	$ 361,958	$ 124,202

B. Promissory note - Jason and Gailene Murry

On February 4, 2011, the Organization took out a one-hundred and twenty (120) month note in the principal amount of $262,500 with interest at 7.5%. The loan was to mature on February 10, 2021, with monthly principal payments of $3,116 including interest. As of June 30, 2011, the Organization made payments of $5,957 on the loan. Debt service requirements for this promissory note are as follows:

Year Ending June 30,	Principal	Interest	Total
2012	$ 18,787	$ 18,604	$ 37,391
2013	20,246	17,145	37,391
2014	21,818	15,573	37,391
2015	23,511	13,880	37,391
2016	25,337	12,054	37,391
2017 - 2021	146,844	27,648	174,492
	$ 256,543	$ 104,904	$ 361,447

LONG VALLEY CHARTER SCHOOL
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

NOTE 6 - LONG-TERM LIABILITIES (CONTINUED)

A. California Department of Education (C.D.E.) repayments

On February 16, 2005, The California Department of Education approved the June 28, 2004, request for a repayment plan to resolve Finding 2002-5, contained in the Organization's 2001-02 annual audit. The first installment was withheld from the 2004-2005 Second Principal (P-2) Apportionments. Subsequent annual installments are withheld from the First Principal (P-1) Apportionment of each year until the full liability is satisfied. Any outstanding liability will be immediately due and payable upon the termination of the charter agreement between the Organization and the Sponsoring District. There is no interest applied to the repayment plan. Debt service requirements for this repayment as of June 30, 2011, are as follows:

Year Ending June 30,	Principal	Interest	Total
2012	$ 105,415	$ -	$ 105,415
	$ 105,415	$ -	$ 105,415

NOTE 7 - OPERATING LEASE

The Organization leases its facilities and office equipment under lease arrangements for more than one year. The future minimum lease payments are as follows:

Year Ending June 30,	Lease Payments
2012	$ 53,545
2013	37,007
2014	26,400
Total future lease payments	$ 116,952

The Organization will receive no sublease rental revenues nor pay any contingent rentals associated with these leases. For the year ended June 30, 2011, operating lease expense was $87,330.

NOTE 8 - EMPLOYEE RETIREMENT SYSTEMS

Qualified employees are covered under multiple-employer defined benefit pension plans maintained by agencies of the State of California. Certificated employees are members of the State Teachers' Retirement System (STRS).

LONG VALLEY CHARTER SCHOOL
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2011

NOTE 8 - EMPLOYEE RETIREMENT SYSTEMS (CONTINUED)

Plan Description and Funding Policy

STRS

Plan Description

The Organization contributes to STRS, a cost-sharing multiple-employer public employee retirement system defined benefit pension plan administered by STRS. The plan provides retirement, disability, and survivor benefits to beneficiaries. Benefit provisions are established by state statutes, as legislatively amended, within the State Teachers' Retirement Law. STRS issues a separate comprehensive annual financial report that includes financial statements and required supplementary information. Copies of the STRS annual financial report may be obtained from STRS, 7667 Folsom Boulevard, Sacramento, California 95826.

Funding Policy

Active plan members are required to contribute 8.0% of their salary and the Organization is required to contribute an actuarially determined rate. The actuarial methods and assumptions used for determining the rate are those adopted by the STRS Teachers' Retirement Board. The required employer contribution rate for fiscal year 2010-2011 was 8.25% of annual payroll. The contribution requirements of the plan members are established by state statute. The Organization's contributions to STRS for the fiscal years ending June 30, 2011, 2010, and 2009, was $85,290, $57,108, and $41,072, respectively, and equals 100% of the required contributions for each fiscal year.

NOTE 9 - COMMITMENTS AND CONTINGENCIES

A. State Allowances, Awards, and Grants

The Organization has received state funds for specific purposes that are subject to review and audit by the grantor agencies. Although such audits could generate expenditure disallowances under terms of the grants, it is believed that any required reimbursement will not be material.

NOTE 10 - SUBSEQUENT EVENT

The Organization's management has evaluated events or transactions that may occur for potential recognition or disclosure in the financial statements from the balance sheet date through November 18, 2011, which is the date the financial statements were available to be issued. As of November 18, 2011, the Organization had subsequently sold their receivables for the amount of $391,812.

LONG VALLEY CHARTER SCHOOL

SUPPLEMENTARY INFORMATION SECTION

JUNE 30, 2011

LONG VALLEY CHARTER SCHOOL
ORGANIZATION
JUNE 30, 2011

Long Valley Charter School [#0320] is a Kindergarten through Grade 12 Charter School and was granted its charter by the State Board of Education on July 1, 2010, pursuant to the terms of the Charter Schools Act of 1992, as amended.

The Board of Directors for the fiscal year ended June 30, 2011, was comprised of the following members:

Name	Office	Term	Term Expiration
William Harkness	President	4 years	December 1, 2014
Jane (El) VonTour	Vice-President	4 years	December 1, 2012
Julie Lee Wells	Member	4 years	December 1, 2012
Justin Anderson	Member	4 years	December 1, 2014
Richard Gotcher	Clerk	4 years	December 1, 2014

Administration

Name	Position
Cindy Henry	Education Director

LONG VALLEY CHARTER SCHOOL
SCHEDULE OF AVERAGE DAILY ATTENDANCE
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

	Second Period Report			
	Classroom Based		Independent Study	
	Resident	Non-Resident	Resident	Non-Resident
Elementary:				
Kindergarten	9.83	0.95	-	5.46
Grades 1 - 3	32.36	-	1.41	24.01
Grades 4 - 6	35.30	0.88	1.36	28.25
Grades 7 - 8	20.12	0.86	0.37	32.98
Total Elementary	97.61	2.69	3.14	90.70
High School:				
Grades 9 - 12	-	-	-	124.22
Total High School	-	-	-	124.22

	Annual Report			
	Classroom Based		Independent Study	
	Resident	Non-Resident	Resident	Non-Resident
Elementary:				
Kindergarten	10.29	0.96	-	5.34
Grades 1 - 3	32.73	-	1.33	25.57
Grades 4 - 6	35.46	0.88	1.28	30.32
Grades 7 - 8	20.20	0.86	0.51	36.62
Total Elementary	98.68	2.70	3.12	97.85
High School:				
Grades 9 - 12	-	0.01	0.97	138.16
Total High School	-	0.01	0.97	138.16

The Organization is 51.66% classroom-based and generates 48.34% ADA from a full-time independent study program.

LONG VALLEY CHARTER SCHOOL
SCHEDULE OF INSTRUCTIONAL TIME
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

Grade Level	1986-87 Minutes Requirements*	2010-2011 Actual Minutes	Number of Days Traditional Calendar	Status
Kindergarten	34,971	58,800	175	In compliance
Grade 1	48,960	59,675	175	In compliance
Grade 2	48,960	59,675	175	In compliance
Grade 3	48,960	59,675	175	In compliance
Grade 4	52,457	59,675	175	In compliance
Grade 5	52,457	59,675	175	In compliance
Grade 6	52,457	59,675	175	In compliance
Grade 7	52,457	59,675	175	In compliance
Grade 8	52,457	59,675	175	In compliance

* As reduced pursuant to the provisions of Education Code Section 46201.2.

LONG VALLEY CHARTER SCHOOL
STATEMENT OF FUNCTIONAL EXPENSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

	Program Services	Support Services		
	Education	Management and General	Fundraising	Total
Certificated salaries	$ 968,257	$ 120,666	$ -	$ 1,088,923
Classified salaries	99,476	103,321	-	202,797
Employee benefits	204,989	33,861	-	238,850
Books and supplies	102,361	8,079	-	110,440
Travel and conferences	5,414	1,109	-	6,523
Dues and memberships	3,309	412	-	3,721
Insurance	22,024	4,511	-	26,535
Operation and housekeeping services	60,308	8,488	-	68,796
Rental, leases, and repairs non-capitalized improvements	72,923	14,936	-	87,859
Professional/consulting services and operating expenditures	341,678	90,877	-	432,555
Communications	5,097	1,043	-	6,140
Depreciation	-	9,853	-	9,853
Direct support/indirect cost charges	5,083	30,359	-	35,442
Interest, long-term debt	-	13,927	-	13,927
Fundraising	-	-	4,393	4,393
Total expenses	$ 1,890,919	$ 441,442	$ 4,393	$ 2,336,754

LONG VALLEY CHARTER SCHOOL

OTHER INDEPENDENT AUDITORS' REPORTS SECTION

JUNE 30, 2011

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Board of Directors
Long Valley Charter School
Doyle, California

We have audited the financial statements of the Long Valley Charter School (Organization), as of and for the fiscal year ended June 30, 2011, and have issued our report thereon dated November 18, 2011. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Organization's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Organization's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*
Page 2

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Organization's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statements amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of Management, Board of Directors, the Audit/Finance Committee, federal awarding agencies and pass-through entities, where applicable, and is not intended to be and should not be used by anyone other than these specified parties.

San Diego, California
November 18, 2011

REPORT ON STATE COMPLIANCE

Independent Auditors' Report

Board of Directors
Long Valley Charter School
Doyle, California

We have audited Long Valley Charter School's (Organization) compliance with the types of compliance requirements described in the *Standards and Procedures for Audits of California K-12 Local Education Agencies 2010-2011*, published by the Education Audit Appeals Panel, that could have a direct and material effect on each of the Organization's state programs for the fiscal year ended June 30, 2011. The Organization's state programs are identified below. Compliance with the requirements of laws, regulations, contracts and grants, applicable to each of its state programs, is the responsibility the Organization's management. Our responsibility is to express an opinion on the Organization's compliance based on our audit.

We conduct our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the State's Audit Guide, *Standards and Procedures for Audits of California K-12 Local Educational Agencies 2010-2011,* published by the Education Audit Appeals Panel. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on state program occurred. An audit includes examining, on a test basis, evidence about the Organization's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the Organization's compliance with those requirements.

The Organization's management is responsible for the Organization's compliance with laws and regulations. In connection with the audit referred to above, we selected transactions and records to determine the Organization's compliance with the state laws and regulations applicable to the following items:

Description	Procedures In Audit Guide	Procedures Performed
Class Size Reduction (including in charter schools)		
General Requirements	7	Yes
Option One Classes	3	Yes
Option Two Classes	4	Not Applicable
District or Charter Schools With Only One School Serving K-3	4	Not Applicable

REPORT ON STATE COMPLIANCE
Page 2

Description	Procedures In Audit Guide	Procedures Performed
After School Education and Safety Program		
General Requirements	4	Not Applicable
After School	4	Not Applicable
Before School	5	Not Applicable
Contemporaneous Records of Attendance, for charter schools	1	Yes
Mode of Instruction, for charter schools	1	Yes
Nonclassroom-Based Instruction/Independent Study, for charter schools	15	Yes
Determination of Funding for Nonclassroom-Based Instruction, for charter schools	3	Yes
Annual Instructional Minutes - Classroom Based, for charter schools	3	Yes

The term “Not Applicable” is used above to mean either that the Organization did not offer the program during the current fiscal year, or that the program applies only to a different type of local education agency.

In our opinion, the Organization complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its state programs for the fiscal year ended June 30, 2011.

This report is intended solely for the information and use of the Management, Board of Directors, Audit/Finance Committee, State Controller’s Office, Department of Education, pass-through entities, where applicable, and is not intended to be and should not be used by anyone other than these specified parties.

San Diego, California
November 18, 2011

LONG VALLEY CHARTER SCHOOL

FINDINGS AND QUESTIONED COSTS SECTION

JUNE 30, 2011

LONG VALLEY CHARTER SCHOOL
SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

A. Summary of Auditors' Results

1. Financial Statements

Type of auditors' report issued: Unqualified

Internal control over financial reporting:

One or more material weaknesses identified? ____ Yes __X__ No

One or more significant deficiencies identified that are not considered to be material weaknesses? ____ Yes __X__ None Reported

Noncompliance material to financial statements noted? ____ Yes __X__ No

2. Federal Awards

Internal control over major programs:

One or more material weaknesses identified? ____ Yes __N/A__ No

One or more significant deficiencies identified that are not considered to be material weaknesses? ____ Yes __N/A__ None Reported

Type of auditors' report issued on compliance for major programs: N/A

Any audit findings disclosed that are required to be reported in accordance with section .510(a) or Circular A-133? ____ Yes __N/A__ No

Identification of major programs:

CFDA Number(s)	Name of Federal Program or Cluster

The Organization did not have over $500,000 in Federal Expenditures.

Dollar threshold used to distinguish between type A and type B programs: N/A

Auditee qualified as low-risk auditee? ____ Yes __N/A__ No

LONG VALLEY CHARTER SCHOOL
SCHEDULE OF AUDIT FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

A. Summary of Auditors' Results (Continued)

3. State Awards

Internal control over state programs:

One or more material weaknesses identified? ____ Yes _X_ No

One or more significant deficiencies identified that are not considered to be material weaknesses? ____ Yes _X_ None Reported

Type of auditors' report issued on compliance for state programs: Unqualified

B. Financial Statement Findings

NONE

C. Federal Award Findings and Questioned Costs

NONE

D. State Award Findings and Questioned Costs

NONE

LONG VALLEY CHARTER SCHOOL
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
JUNE 30, 2011

Findings/Recommendations	Current Status	Explanation If Not Implemented
None	N/A	N/A

ATTACHMENT I

Long Valley Charter School
Proudly Established in the Year 2000
Continued Educational Excellence Since 1871

P.O. Box 7 ~ Doyle, CA 96109 Telephone ~ 530 827-2395

January 18, 2012

Stephen Work
CDE Charter School Division
1430 N Street, Suite 5401
Sacramento, CA 95814

RE: HQ status of Independent Study teachers at LVCS

Dear Stephen:

The ability to meet the highly qualified requirements within Independent Study is accomplished through a collaborative teaching approach, as defined on the Highly Qualified Teachers in Independent Study page on the CDE website (http://www.cde.ca.gov/sp/eo/is/appnclbtris.asp). The manner in which we, as a school, have utilized this approach is as follows:

- We offer a K-12 Independent Study Program.
- Students are assigned a supervising teacher, who meets with students on their roster weekly and gives weekly assignments to those students, collects work, grades work, and records attendance.
- If the supervising teacher is not highly qualified in a core subject course that a student is enrolled in, a subject teacher is assigned. This teacher offers office hours, labs, classes, etc. in the subject in which they are highly qualified, ensuring that students receive instruction from an HQT in all NCLB core academic subjects.
- Teachers combine student appointment times to maximize teacher contact so that, for example, four students taking Algebra 1 could meet together with the HQT.
- Academic evaluations are the responsibility of the HQT subject teacher, with collaboration with the supervising teacher.
- Students have access to online curriculum in both core and non-core subjects.
- Students may also take courses at the local community colleges.
- A system of communication between supervising teachers and subject teachers is in place. The supervising teacher is the primary signature on the Independent Study Master Agreement. All other course instructors are supplementary signatures on the Master Agreement.
- Supervising teachers work across grade levels (K-12).
- Each Resource Center has both supervising and subject teachers. In the event that a subject teacher is not available at a Resource Center, ooVoo (or equivalent) video conferencing will be used to give students the support needed until an HQT is available in all core courses.

With regards,

Cindy Henry, Education Director
Long Valley Charter School

Teacher's Name		Credential Info	Authorized Subjects				
Last	*First*	*Title*	*Subject 1*	*Subject 2*	*Subject 3*	*Subject 4*	*Subject 5*
SUSANVILLE RESOURCE CENTER							
Azevedo	Kimber	Clear Multiple Subject Teaching Credential	General Subjects				
Bertotti	Teri	Clear Multiple Subject Teaching Credential	General Subjects				
Dunn	Cassandra	Clear Multiple Subject Teaching Credential	General Subjects				
Foy	Emily	Clear Multiple Subject Teaching Credential	General Subjects				
Tantardino	Susan	Clear Multiple Subject Teaching Credential	General Subjects				
Dawson-Weav	Ann	Clear Single Subject Teaching Credential	Home Economics	Math	Language Arts	Science	History/Social Studies
West	Jennifer	Clear Single Subject Teaching Credential	English				
		Clear Multiple Subject Teaching Credential	General Subjects				
COTTONWOOD RESOURCE CENTER							
Hinchliffe	Jillian	Preliminary Multiple Subject Teaching Credential	General Subjects				
James	Rosemary	Clear Multiple Subject Teaching Credential	General Subjects	Science	Waiting on documents from APL (previous employer, but H		
Knight	Bryan	Preliminary Multiple Subject Teaching Credential	General Subjects				
Knight	Julia	Clear Multiple Subject Teaching Credential	General Subjects	English	Math	Social Science	Life Science
Latham	Vanessa	Clear Multiple Subject Teaching Credential	General Subjects	World History	World Geography		
Mobley	Ann	Clear Standard Elementary Teaching Credential	Child Development	English	Science	Civics/Gov't	Economics
PORTOLA RESOURCE CENTER							
Caley	Kathleen	Clear Multiple Subject Teaching Credential	General Subjects				
Cheney	Cheryl	Life Standard Secondary Teaching Credential	English	Psychology	History		
Childers	Cheree	Application Pending Evaluation	Biological Science	General Science			
Ingstad	Mary	Level II Education Specialist Instruction Credential	Multiple Subjects	Visual Arts			
Klemesrud	Eleanor	Clear Multiple Subject Teaching Credential	General Subjects	Social Science			
Klemesrud	Erin	Clear Multiple Subject Teaching Credential	General Subjects	English			
Morgan	Sherri	Clear Single Subject Teaching Credential	Business	Introductory Math	Visual Arts	Multiple Subjects	English
Powers	William	Clear Single Subject Teaching Credential	English	TBD			

KEY: Pending | HOUSSE | CSET

In reference to Kelly Hilberg and her HQ status to teach Algebra:
Multiple subject credentialed teachers—middle school core class

California *Education Code (EC)* Section 44258.1 allows the holder of a credential authorizing instruction in a self-contained classroom to teach in any of grades five to eight, inclusive, in a middle school if the holder of the credential teaches two or more subjects for two or more periods per day to the same group of pupils.

Subject 6	*Subject 7*	*Subject 8*				
Visual Arts	Multiple Subjects	Foreign Language				
OUSSE in all subjects)						
Physical Science	Biology	General Science	Visual Arts	Foreign Language		
Geography	Math	Visual Arts				
Biological Science	Geo Science	General Science	Government	Economics	Social Science	Foreign Language

Teacher's Name			Courses Taught						Credential Info		Authorization Codes					Dates	
Last	*First*	*Middle*	*Course 1*	*Core (Y/N)*	*Course 2*	*Core (Y/N)*	*Course 3*	*Core (Y/N)*	*Title*	*Number*	*Code 1*	*Code 2*	*Code 3*	*Code 4*	*Code 5*	*Issuance*	*Expiration*
Azevedo	Kimber	Rae	K-12 (through IS)						Clear Multiple Subject Teaching Credential	070354677	R2M					6/1/2008	6/1/2013
									Clear Crosscultural, Language and Academic Development Certificate	081102942	S12					9/23/2008	
Berry	Julie	Anne	Grade K						Clear Multiple Subject Teaching Credential	110193805	R2M					11/1/2011	11/1/2016
Bertotti	Teri	Lynn	K-12 (through IS)						Clear Multiple Subject Teaching Credential	110117245	R2M					7/6/2011	8/1/2016
									Clear Certificate of Completion of Staff Development	020238185	S17D	S17S				7/30/2002	
Brussatoi	Misty	Kim	Grade 4-5						Preliminary Multiple Subject Teaching Credential	090079155	R2M					1/7/2009	2/1/2014
Caley	Kathleen	Claire	K-12 (through IS)						Clear Multiple Subject Teaching Credential	101115174	R2M					7/1/2010	7/1/2015
									Clear Certificate of Completion of Staff Development	030109329	S17D	S17S				9/30/2002	
Cheney	Cheryl	Suzanne	K-12 (through IS)						Life Standard Secondary Teaching Credential	34240SCL	103					8/29/1969	
									Clear Certificate of Completion of Staff Development	081045558	S17D	S17S				6/16/2008	
Childers	Cheree	Danielle	K-12 (through IS)						Application Pending Evaluation								
Cole	Debbie	Jo	Grades 6/7/8						Clear Multiple Subject Teaching Credential	101157856	R2M	R2BL				7/1/2010	7/1/2015
Dunn	Cassandr	Lee	K-12 (through IS)						Clear Multiple Subject Teaching Credential	090217650	R2M	R242				6/5/2009	7/1/2014
Foy	Emily	Ann	K-12 (through IS)						Clear Multiple Subject Teaching Credential	090183338	R2M	R242				6/5/2009	7/1/2014
Henry	Cindy	Lynn							Clear Multiple Subject Teaching Credential	101227031	R2M					9/2/2010	10/1/2015
									Preliminary Administrative Services Credential	110114084	R54A					5/26/2011	10/1/2015
Hilberg	Kelly	Ann	Grades 6/7/8						Clear Multiple Subject Teaching Credential	080132971	R2M					3/1/2008	4/1/2013
Hinchliffe	Jillian	Ilene	K-12 (through IS)						Preliminary Multiple Subject Teaching Credential	101077145	R2M	R242				1/14/2010	2/1/2015
Ingstad	Mary	Elizabeth	K-12 (through IS)						Clear Crosscultural, Language and Academic Development Certifica	070253862	S12					4/26/2007	
									Level II Education Specialist Instruction Credential	101131345	R3MM					4/5/2010	5/1/2015
James	Rosemary	Susan	K-12 (through IS)						Clear Multiple Subject Teaching Credential	101290348	R2M	R2B				1/1/2011	1/1/2016
Klemesrud	Eleanor	Mae	K-12 (through IS)						Clear Multiple Subject Teaching Credential	101110889	R2M					8/1/2010	8/1/2015
									Clear Crosscultural, Language and Academic Development Certifica	060038896	S12					7/15/2005	
Klemesrud	Erin	Francis	K-12 (through IS)						Level II Education Specialist Instruction Credential	110008164	R3MM					11/1/2011	11/1/2016
									Level II Education Specialist Instruction Credential	110122767	R3MM	ELA1				5/23/2011	6/1/2016

Teacher's Name			Courses Taught						Credential Info		Authorization Codes					Dates	
									Clear Multiple Subject Teaching Credential	110122243	R2M	R2B	ELA1			5/23/2011	6/1/2016
Knight	Bryan	Timothy	K-12 (through IS)						Preliminary Multiple Subject Teaching Credential	101057534	R2M	R242				12/22/2009	1/1/2015
Knight	Julia	Anne	K-12 (through IS)						Clear Multiple Subject Teaching Credential	101258558	R2M					2/1/2011	2/1/2016
									Clear Specialist Instruction Credential in Special Education	101258524	R3LH					2/1/2011	2/1/2016
									Clear Administrative Services Credential	101258429	R54A					2/1/2011	2/1/2016
Latham	Vanessa	Ann	K-12 (through IS)						Clear Multiple Subject Teaching Credential	101168789	R2M	R242				6/18/2010	7/1/2015
Mobley	Ann	Linda	K-12 (through IS)						Clear Standard Elementary Teaching Credential	101116943	101					7/1/2010	7/1/2015
Morgan	Sherri	Lynn	K-12 (through IS)						Clear Single Subject Teaching Credential	081072302	R1B	R1S				1/1/2009	1/1/2014
									Clear Crosscultural, Language and Academic Development Certifica	090072786	S12					12/24/2008	
									Preliminary Administrative Services Credential	110077672	R54A					2/8/2011	1/1/2014
Powers	William	Aubrey	K-12 (through IS)						Clear Single Subject Teaching Credential	081021666	R1S					7/24/2008	8/1/2013
Rust	Karen	Irene	Grades 2-3						Clear Multiple Subject Teaching Credential	110194675	R2M					10/28/2011	11/1/2016
Tantardino	Susan	Michelle	K-12 (through IS)						Clear Multiple Subject Teaching Credential	101139253	R2M	R2CL				8/1/2010	8/1/2015
Dawson-Weaver	Ann	Elizabeth	K-12 (through IS)						Clear Single Subject Teaching Credential	070278811	R1S					8/1/2007	8/1/2012
									Clear Crosscultural, Language and Academic Development Certifica	070312221	S12					7/30/2007	
									Preliminary Administrative Services Credential	080085954	R54A					1/14/2008	2/1/2013
West	Jennifer	Ann	K-12 (through IS)						Clear Single Subject Teaching Credential	070194705	R1S					7/1/2007	7/1/2012
									Clear Multiple Subject Teaching Credential	070194706	R2M					9/1/2007	9/1/2012
Williams	Elise	Michelle	Grade 1						Preliminary Multiple Subject Teaching Credential	090147191	R2M	R242	SMAA			7/2/2009	8/1/2014

Notes:

Please visit https://teachercred.ctc.ca.gov/teachers/PersonalSearchProxy to look up any needed information.

Enter "N/A" for any field that does not apply.

Authorized Subjects					Supplementary Authorized Subjects				
Subject 1	*Subject 2*	*Subject 3*	*Subject 4*	*Subject 5*	*Subject 1*	*Subject 2*	*Subject 3*	*Subject 4*	*Subject 5*
General Subjects									
General Subjects									
General Subjects									
General Subjects									
General Subjects									
English	Social Science: Psychology	Social Science: History							
General Subjects	BCLAD: Spanish								
General Subjects									
General Subjects									
General Subjects									
General Subjects									
General Subjects									
Mild/Moderate Disabilities									
General Subjects	Science								
General Subjects									
Mild/Moderate Disabilities									
Mild/Moderate Disabilities									

Authorized Subjects					Supplementary Authorized Subjects				
General Subjects	Special Preparation for Teaching Middle Level Students: Grades 5-8	English							
General Subjects									
General Subjects									
Learning Handicapped									
General Subjects									
Child Development (Academic)									
Business	Introductory Math								
English									
General Subjects									
General Subjects	Crosscultural, Language & Academic Development Emphasis								
Home Economics									
English									
General Subjects									
General Subjects	Civics	Government							

ATTACHMENT J

Long Valley Charter School
2011-2012 School Achievement Plan

Analysis of Current Instructional Program

The following statements characterize educational practice (both site-based and Independent Study) at this school:

1. Availability of standards-based instructional materials appropriate to all student groups:

Textbooks and materials purchased are aligned to the standards and are designed to address all student needs. A complete list of textbooks can be viewed at the Doyle school site. Additional standards aligned materials may be acquired to accommodate different learning modalities.

2. Alignment of staff development to standards, assessed student performance and professional needs:

The addition of monthly early dismissal days as well as weekly staff meetings provides opportunities for collaboration, allowing teachers time to analyze and interpret assessment data, and to align instruction to standards and student needs.
Staff development has been planned and implemented on both school wide and local levels. This strategy has enabled staff development to address universal issues and needs as well as the unique needs of distinct geographic areas and programs

3. Services provided by LVCS to enable under-performing students to meet standards:

Teachers work to provide differentiated instruction in the regular education setting. All grades offer flexible reading and math groups and curriculum based on individual instructional levels as indicated by assessments. Ongoing collaboration at each grade level and staff development workshops offers teachers opportunities to address all student needs. Our school site program provides aides in grades K-8 classrooms to work with small groups of children in reading and math. Teachers work with students to provide appropriate interventions. After school and noon time interventions are offered for all under-performing students. Independent Study teachers collaborate with students and their families to develop personalized learning plans in response to assessments and feedback on student learning modalities. Weekly small group instruction is provided in each resource center to address specific areas of need with a focus on English-Language Arts and Mathematics skills development.

4. Use of state and local assessments to modify instruction and improve student achievement:

The district provides extensive data using both state and district assessments for analysis. All teachers use this data regularly to improve student achievement by attending specific workshops related to the areas needed for improvement and to identify individual student needs. Teachers supplement paced lessons based on the feedback from benchmark assessments.

5. Number and percentage of teachers in academic areas experiencing low student performance:

There are students in all grade levels who perform at levels below “basic” on district and state assessments. These students receive direct instruction and have opportunities to attend intervention classes or tutoring sessions.

6. School and community barriers to improvements in student achievement:

The diversity of student needs represented in a grade level or site-based classroom continues to be a challenge. Teachers and staff work very hard to meet the needs of all students who have varied levels of performance. Support from parents is critical to student learning, therefore, LVCS will continue to seek opportunities to encourage parent participation.

7. Limitations of the current program to enable under-performing students to meet standards:

Managing classroom and individualized instruction, whether site-based or through independent study, is challenging. We will continue to find ways to meet the challenges and improve student learning.

Student Performance Data:

API Table

	Number of Students Included in 2011 API	Numerically Significant in Both Years	2011 Growth	2010 Base	2010-11 Growth Target	2010-11 Growth	Met Student Groups Growth Target
Schoolwide	122		741	750	5	-9	
White	104	Yes	738	758	5	-20	No
Socioeconomically Disadvantaged	54	No	756	835			

AYP Table - Participation

	English-Language Arts Target 95% Met all participation rate criteria? Yes				Mathematics Target 95% Met all participation rate criteria? Yes			
GROUPS	Enrollment First Day of Testing	Number of Students Tested	Rate	Met 2011 AYP Criteria	Enrollment First Day of Testing	Number of Students Tested	Rate	Met 2011 AYP Criteria
Schoolwide	228	220	96	Yes	228	218	96	Yes
White	193	186	96	Yes	193	184	95	Yes
Socioeconomically Disadvantaged	106	102	96	Yes	106	102	96	Yes

AYP Table – Percent Proficient (AMOs)

	English-Language Arts Target 67.6 % Met all percent proficient rate criteria? No					Mathematics Target 68.5 % Met all percent proficient rate criteria? Yes				
GROUPS	Valid Scores	Number At or Above Proficient	Percent At or Above Proficient	Met 2011 AYP Criteria	Alternative Method	Valid Scores	Number At or Above Proficient	Percent At or Above Proficient	Met 2011 AYP Criteria	Alternative Method
Schoolwide	106	61	57.5	No		105	61	58.1	Yes	SH
White	92	51	55.4	No		91	52	57.1	Yes	SH
Socioeconomically Disadvantaged	49	29	59.2	--		49	29	59.2	--	

STAR Table

Reported Enrollment

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Reported Enrollment	23	23	30	20	26	41	33	45	41	63	

CST English-Language Arts

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested	21	22	30	20	24	39	31	42	40	59	
% of Enrollment	91.3 %	95.7 %	100.0 %	100.0 %	92.3 %	95.1 %	93.9 %	93.3 %	97.6 %	93.7 %	
Students with Scores	21	22	30	20	24	39	31	42	40	59	
Mean Scale Score	353.7	341.4	363.0	347.6	329.3	335.7	334.9	329.5	312.6	299.0	
% Advanced	19 %	14 %	30 %	10 %	13 %	8 %	19 %	7 %	8 %	0 %	
% Proficient	33 %	36 %	27 %	45 %	29 %	31 %	19 %	24 %	18 %	10 %	
% Basic	24 %	18 %	33 %	35 %	29 %	31 %	32 %	40 %	40 %	44 %	
% Below Basic	14 %	27 %	10 %	10 %	8 %	21 %	16 %	17 %	10 %	27 %	
% Far Below Basic	10 %	5 %	0 %	0 %	21 %	10 %	13 %	12 %	25 %	19 %	

CST Mathematics

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested	21	22	30	20	24	39					
% of Enrollment	91.3 %	95.7 %	100.0 %	100.0 %	92.3 %	95.1 %					
Students with Scores	21	22	30	20	24	39					
Mean Scale Score	378.0	370.8	383.0	326.0	319.5	329.6					
% Advanced	29 %	23 %	33 %	10 %	0 %	10 %					
% Proficient	33 %	45 %	30 %	35 %	29 %	26 %					
% Basic	29 %	14 %	20 %	20 %	33 %	26 %					
% Below Basic	10 %	18 %	7 %	20 %	21 %	26 %					
% Far Below Basic	0 %	0 %	10 %	15 %	17 %	13 %					

CST General Mathematics

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested							30	28			58
% of Enrollment							90.9 %	62.2 %			
Students with Scores							30	28			58
Mean Scale Score							337.8	305.1			321.8
% Advanced							17 %	0 %			9 %
% Proficient							23 %	14 %			19 %
% Basic							20 %	43 %			31 %
% Below Basic							30 %	32 %			31 %
% Far Below Basic							10 %	11 %			10 %

CST Algebra I

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested							1	12	19	5	37
% of Enrollment							3.0 %	26.7 %	46.3 %	7.9 %	
Students with Scores							1	12	19	5	37
Mean Scale Score							*	299.3	274.4	*	283.0
% Advanced							*	0 %	0 %	*	0 %
% Proficient							*	17 %	5 %	*	8 %
% Basic							*	33 %	16 %	*	22 %
% Below Basic							*	42 %	53 %	*	51 %
% Far Below Basic							*	8 %	26 %	*	19 %

CST Geometry

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									5	6	11
% of Enrollment									12.2 %	9.5 %	
Students with Scores									5	6	11
Mean Scale Score									*	*	278.7
% Advanced									*	*	0 %
% Proficient									*	*	0 %
% Basic									*	*	36 %
% Below Basic									*	*	45 %
% Far Below Basic									*	*	18 %

CST Algebra II

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									1	3	4
% of Enrollment									2.4 %	4.8 %	
Students with Scores									1	3	4
Mean Scale Score									*	*	*
% Advanced									*	*	*
% Proficient									*	*	*
% Basic									*	*	*
% Below Basic									*	*	*
% Far Below Basic									*	*	*

CST History - Social Science Grade 8

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested							31				
% of Enrollment							93.9 %				
Students with Scores							31				
Mean Scale Score							303.7				
% Advanced							0 %				
% Proficient							13 %				
% Basic							48 %				
% Below Basic							16 %				
% Far Below Basic							23 %				

CST World History

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									40	1	41
% of Enrollment									97.6 %	1.6 %	
Students with Scores									40		40
Mean Scale Score									285.3	*	285.3
% Advanced									3 %	*	3 %
% Proficient									8 %	*	8 %
% Basic									28 %	*	28 %
% Below Basic									15 %	*	15 %
% Far Below Basic									48 %	*	48 %

CST U.S. History

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested										59	
% of Enrollment										93.7 %	
Students with Scores										59	
Mean Scale Score										289.9	
% Advanced										2 %	
% Proficient										10 %	
% Basic										25 %	
% Below Basic										27 %	
% Far Below Basic										36 %	

CST Science - Grade 5, Grade 8, and Grade 10 Life Science

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested				20			31		38		
% of Enrollment				100.0 %			93.9 %		92.7 %		
Students with Scores				20			31		38		
Mean Scale Score				355.4			315.5		316.0		
% Advanced				5 %			3 %		5 %		
% Proficient				60 %			29 %		16 %		
% Basic				35 %			32 %		32 %		
% Below Basic				0 %			19 %		26 %		
% Far Below Basic				0 %			16 %		21 %		

CST Biology

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested									8		8
% of Enrollment									19.5 %		
Students with Scores									8		8
Mean Scale Score									*		*
% Advanced									*		*
% Proficient									*		*
% Basic									*		*
% Below Basic									*		*
% Far Below Basic									*		*

CST Earth Science

Result Type	2	3	4	5	6	7	8	9	10	11	EOC
Students Tested								19		5	24
% of Enrollment								42.2 %		7.9 %	
Students with Scores								19		5	24
Mean Scale Score								307.9		*	307.1
% Advanced								0 %		*	0 %
% Proficient								16 %		*	13 %
% Basic								42 %		*	50 %
% Below Basic								11 %		*	8 %
% Far Below Basic								32 %		*	29 %

CAHSEE Data (March 10th Grade Administration)

Location	Tested or Passing	Subject	All Students	Special Education Students	English Learner (EL) Students	Reclassified Fluent-English Proficient (RFEP) Students	Economically Disadvantaged	Not Economically Disadvantaged
DISTRICTWIDE:	# Tested	Math	30	1	0	0	14	14
DISTRICTWIDE:	Passing	Math	20 (67%)	-	-	-	6 (43%)	12 (86%)
DISTRICTWIDE:	# Tested	ELA	31	1	0	0	14	15
DISTRICTWIDE:	Passing	ELA	22 (71%)	-	-	-	8 (57%)	12 (80%)

Graduation Data

2010 Graduation Rate (Class of 2008-09)	2011 Graduation Rate (Class of 2009-10)	2011 Target Graduation Rate	2011 Graduation Rate Criteria Met	Alternative Method or Exclusion
			N/A	U50 (under 50 graduates)

Conclusions from Student Performance Data:

- Assessment data indicates a slight decrease in ELA performance. We see dips in performance and have strategies in place to address these for the 2011-12 school year.
- Different grade level groups vary significantly from year to year.
- We need to target the students scoring "basic" in order to meet state targets.
- Proficiency rates for ELA do not reveal an achievement gap; in fact the SED students outperformed White students by 3.8%. Additional tutoring by Title I aides and assigned teachers providing small group and one to one assistance has benefitted this category of students.
- Students in grades 6-11 note a marked decrease in achievement in ELA proficiency. Additional attention needs to be focused on this grade range.
- Other notable areas for future focus: seek to increase numbers of students in advanced Mathematics courses; improve 8th & 10th grade Social Studies and Science scores.

Description of Assessments:

- Baseline and Interim Assessments – Universal pre/post tests (staff created as well as specific curriculum assessments, all tied closely to the California State Standards) administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.
- Benchmark Assessments (Fall, Winter, Spring) – Scantron Performance Series diagnostic assessment administered three times (by October 25, December 15, and March 15). Performance Series is aligned to CA state standards in all 4 subject areas (Reading, Language Arts, Math, and Science).

Fall Benchmark Data (baseline):

Grade Level	AboveAvg	Count	HighAvg	Count	LowAvg	Count	BelowAvg	Count	Total Count	Mean Score
Grade 2	50%	10	20%	4	15%	3	15%	3	20	2147
Grade 3	42%	10	13%	3	28%	7	17%	4	24	2298
Grade 4	10%	2	24%	5	28%	6	38%	8	21	2340
Grade 5	27%	8	10%	3	27%	8	37%	11	30	2420
Grade 6	22%	6	19%	5	30%	8	30%	8	27	2539
Grade 7	18%	7	13%	5	35%	14	35%	14	40	2514
Grade 8	9%	4	11%	5	30%	14	50%	23	46	2558

Once benchmark assessments are completed (December 15 and March 15), the leadership team, consisting of the Education Director and Assistant Program Directors, will pull gains reports from Scantron. These reports will be organized by Language Arts, Reading, and Math, school wide as well as by sub-group. This data will be shared with teachers and analyzed for the purpose of driving instruction. Teacher-Leader conferences will result in discussion considering pacing, methodologies, student remediation, determination of program effectiveness, analysis of current curriculum or strategies and evaluation of further intervention.

Fall Language Arts Data:

Grade	Student Count	Mean Language Arts SS
Overall	352	2505
Grade 2	20	2147
Grade 3	24	2298
Grade 4	21	2340
Grade 5	30	2420
Grade 6	27	2539
Grade 7	40	2514
Grade 8	46	2558

Scantron Performance Series Language Arts Scaled Score Interquartile Ranges:

Grade	Fall	Winter	Spring
2	1890-2188	2006-2286	2143-2366
3	2143-2409	2222-2495	2268-2521
4	2289-2542	2276-2536	2372-2617
5	2358-2597	2397-2639	2404-2652
6	2443-2663	2418-2672	2494-2718
7	2483-2684	2513-2747	2521-2730
8	2583-2750	2599-2774	2609-2784

Goals:

The content of this School Achievement Plan is aligned with school goals for improving student achievement. School goals are based upon an analysis of state data, including API/AYP reports, and include local measures of student achievement. Based upon this analysis, LVCS has established the following performance improvement goals and actions.

MEASURABLE GOALS TABLE			
Content Area	Grade/ Course	Frame of Analysis: Content Area or Specific Strands	Measurable Goals for Interim Assessment Results
English Language Arts (ELA)	*Schoolwide*	*ELA*	*Winter Goal (by December 15th): 80% of students will move from Fall Interquartile Range into the appropriate Winter*

			Interquartile Range. *Spring Goal (by March 15th):* *80% of students will move from Winter Interquartile Range into the appropriate Spring Interquartile Range.*
English Language Arts (ELA)	*Schoolwide*	*ELA*	*Spring Goal 78.4% proficient on ELA portion of assessment*
ELA	*4th & 7th*	*Content Area: Writing Composition*	*Spring Goal: 78.4% proficient in Writing portion of assessment*
ALL	*Schoolwide*	*Student Attendance*	*Average Daily Attendance will meet or exceed 92% for the 2011-2012 school year.*

Action Plan:

ACTION PLAN			
DATA: Baseline Assessment Results (Percent at or above Proficient)			
Content Area: English Language Arts			
Grade / Course	Schoolwide	White (Subgroup 1)	Socioeconomically Disadvantaged (Subgroup 2)
2	*52*	*53*	*34*
3	*50*	*53*	*53*
4	*57*	*56*	*54*
5	*55*	*51*	*40*
6	*42*	*38*	*36*
7	*39*	*35*	*40*
8	*38*	*42*	*36*
9	*31*	*25*	*38*
10	*26*	*30*	*7*
11	*10*	*13*	*4*

ACTION PLAN

Content Area: English Language Arts

Grade	Area / Strands	Action Plan: Student Intervention / Strategy	Professional Development	Evaluation Plan	Timeline / Person Responsible
Schoolwide	*All students need more support with Writing Strategies and Conventions strands*	Provide classroom assessment to target specific standards in this strand. Provide weekly workshops to improve application of writing strategies.	Provide PD on early dismissal days on analysis of assessment for the purpose of driving instruction and selection of appropriate curricular materials	Universal Benchmark (Scantron Performance Series) Assessment, pre/post tests administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.	*Teacher*-identify, assess and provide instruction; *Administrator*-oversight and guidance, arrange for PD and data analysis.
6-11	*ELA/All high school students need additional support in all strands to improve proficiency.*	Provide classroom assessment to target specific standards in these strands. Provide additional 30 minutes per week of tutoring to each student.	Providing PD on early dismissal days on analysis of assessment for the purpose of driving instruction and selection of appropriate curricular materials	Universal Benchmark (Scantron Performance Series) Assessment, pre/post tests administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.	*Teacher*-identify, assess and provide instruction; *Administrator*-oversight and guidance, arrange for PD and data analysis.

10	*ELA/Subgroup 2 needs additional support in all strands to improve proficiency.*	Provide classroom assessment to target specific standards in these strands. Provide additional 30 minutes per week of tutoring to each student.	Providing PD on early dismissal days on analysis of assessment for the purpose of driving instruction and selection of appropriate curricular materials.	Universal Benchmark (Scantron Performance Series) Assessment, pre/post tests administered by classroom teachers. Individualized bi-weekly or monthly benchmark assessments to determine progress and needed modifications in instructional approach.	*Teacher*-identify, assess and provide instruction *Administrator*-oversight and guidance, arrange for PD and data analysis; *Title I Aide*-assist in additional tutoring as needed.
Goal Area: Attendance					
Grades	Specific Area Targeted	Action Plan	Professional Development	Evaluation	*Timeline/ Person Responsible*
Schoolwide	*Regular student attendance is essential for attainment of student achievement goals.*	Site based student absences require immediate follow-up from school office. Independent Study absences require bi-weekly notices. Review attendance records during parent meetings. Utilize Lassen County Probation Department to counsel students and their families with excessive absences.	Independent Study teachers to receive additional support on identifying absences based on work product during early dismissal days.	Monthly monitoring of ADA statistics	*Attendance Clerk*-phone calls & documentation to investigate/record absences; *IS Teachers*-make interim reports on inadequate progress; *Lassen Cty Probation*-send out letters and provide visitation; *Administrator*-oversight, guidance, data monitoring & arrange for PD

Long Valley Charter School
Winter Benchmark Report
2011-2012

Fall Benchmark Data (baseline):

Grade Level	AboveAvg	Count	HighAvg	Count	LowAvg	Count	BelowAvg	Count	Total Count	Mean Score
Grade 2	50%	10	20%	4	15%	3	15%	3	20	2147
Grade 3	42%	10	13%	3	28%	7	17%	4	24	2298
Grade 4	10%	2	24%	5	28%	6	38%	8	21	2340
Grade 5	27%	8	10%	3	27%	8	37%	11	30	2420
Grade 6	22%	6	19%	5	30%	8	30%	8	27	2539
Grade 7	18%	7	13%	5	35%	14	35%	14	40	2514
Grade 8	9%	4	11%	5	30%	14	50%	23	46	2558

Winter Benchmark Data (baseline):

Grade Level	AboveAvg	Count	HighAvg	Count	LowAvg	Count	BelowAvg	Count	Total Count	Mean Score
Grade 2	45%	10	18%	4	14%	3	23%	5	22	2181
Grade 3	38%	9	17%	4	28%	7	17%	4	24	2282
Grade 4	22%	5	35%	8	30%	7	13%	3	23	2352
Grade 5	34%	11	16%	5	38%	12	12%	4	32	2480
Grade 6	36%	10	18%	5	25%	7	21%	6	28	2537
Grade 7	18%	8	29%	13	38%	17	15%	7	45	2546
Grade 8	12%	6	22%	11	37%	18	29%	14	49	2579

% Proficient Comparison

	Fall	Winter	Difference
Grade 2	70	63	-7
Grade 3	55	55	+0
Grade 4	34	57	+23
Grade 5	37	50	+13
Grade 6	41	54	+13
Grade 7	31	47	+16
Grade 8	20	34	+14

Fall Language Arts Data:

Grade	Student Count	Mean Language Arts SS
Overall	352	2505
Grade 2	20	2147
Grade 3	24	2298
Grade 4	21	2340
Grade 5	30	2420
Grade 6	27	2539
Grade 7	40	2514
Grade 8	46	2558

Winter Language Arts Data:

Grade	Student Count	Mean Language Arts SS
Overall	387	2520
Grade 2	22	2181
Grade 3	24	2282
Grade 4	23	2352
Grade 5	32	2480
Grade 6	28	2537
Grade 7	45	2546
Grade 8	49	2579

Scantron Testing (Fall to Winter Gains)	Expected Growth	LVCS Growth
Reading (2-11)	+17	+41
Language (2-8)	+28	+45
Math (2-11)	+13	+54

MEASURABLE GOALS TABLE			
Content Area	Grade/ Course	Frame of Analysis: Content Area or Specific Strands	Measurable Goals for Interim Assessment Results
English Language Arts (ELA)	*School wide*	*ELA*	*Winter Goal (by December 15th): 80% of students will move from Fall Interquartile Range into the appropriate Winter Interquartile Range.*

RESULTS and CONCLUSIONS:

Overall gains in the area of Language Arts equaled a growth of 45 points on the benchmark exam, with an expected growth of 28 points. There was good overall movement of students from the below average to the above average range. The goal of having 80% of all students move from Fall Interquartile Ranges into appropriate Winter Interquartile Ranges was met – 81% of all students have scores in the appropriate Winter Interquartile Range. Although we are only required to track progress in Language Arts, students showed growth in Reading (+41 points) and Math (+54 points), as well.

This data has been shared with teachers and in grade level teams has been analyzed to guide in continuing or changing instructional practices. Based on overall growth current program practices are effective; student remediation will continue in the same manner with targeted instruction in written language skills.

Exhibit B

Teacher	Code	NCLB Status	Credential	Site/Program	Number of Students (01/06/12)	Comments
Julie Berry	A	Not New	Mult. Subject	Doyle/ Kindergarten	21	K-8 self-contained via HOUSSE No EL authorization (working with LCOE for waiver or documentation)
Elise Williams	B	New	Mult. Subject Subject Matter Authorization: government	Doyle/Grades 1	7	K-8 self-contained via exam
Karen Rust	C	Not New	Mult. Subject	Doyle/Grades 2-3	22	K-8 self-contained via HOUSSE
Misty Brussatoi	D	New	Mult. Subject	Doyle/Grades 4-5	22	K-8 self-contained via exam *No EL authorization (testing by August 2012)
Debbie Cole	E	New	Mult. Subject	Doyle/Grades 6-7	17	K-8 self-contained via exam
Kelly Hilberg	F	New	Mult. Subject	Doyle/Grade 8	12	K-8 self-contained via exam *Not HQ for Algebra (CSET summer 2012) *No EL authorization (testing by August 2012)
* Have applied for EL waiver via the Lassen County Office of Education						
Lassen Independent Study (LIS)						
Teacher	Code	NCLB Status	Credential	Area(s) of NCLB compliance	Assignment 3-01-12	Plan for Obtaining NCLB Teacher Quality Compliance
Kimber Azevedo	G	New	Mult. Subject	K-8 self-contained via exam	K-8	Compliant for assignment
Teri Bertotti	H	Not New	Mult. Subject	K-8 self-contained via HOUSSE	K-8	Compliant for assignment
Cassie Dunn	I	New	Mult. Subject	K-8 self-contained via exam	K-8	Compliant for assignment
Emily Foy	J	New	Mult. Subject		Math	VPSS: Math (April 2012)

Susan Tantardino	K	Not New	Mult. Subject	K-8 self-contained via HOUSSE	K-8 History	Compliant for K-8 assignment VPSS: History (April 2012)
Ann Dawson-Weaver	L	Not New	Single Subject: home economics	Math via HOUSSE Geoscience Via HOUSSE Biology via HOUSSE Visual Art via HOUSSE	Math Visual arts Biology Geosciences	Compliant for assignment
Jennifer West	M	Not New	Mult. Subject Single: English	English via CTC approved subject matter program	English	Compliant for assignment
Green indicates not yet NCLB compliant for assignment						
Shasta Independent Study (SHI)						
Teacher	Code	NCLB Status	Credential	Area(s) of NCLB compliance	Assignment 3-01-12	Comments
Jillian Hinchliffe	O	New	Mult. Subject	K-8 self-contained via exam	K-8	Compliant for assignment
Bryan Knight	P	New	Mult. Subject		Math	VPSS:Math (April 2012)
Julia Knight	Q	Not New	Mult. Subject Specialist Education (mild moderate)	English via HOUSSE	English	Compliant for assignment No EL authorization
Vanessa Latham	R	New	Mult. Subject	History via exam (will apply for a single subject credential)	History	CSET: social science
Ann Mobley	S	Not New	Clear Standard Elementary: child development academic (nine and below only)	K-8 self-contained via HOUSSE Geosciences via HOUSSE Biology via HOUSSE	K-8 Geosciences Biology	Compliant for assignment No EL authorization
* Have applied for EL waiver via the Lassen County Office of Education						

Plumas Independent Study (PIS)						
Teacher	Code	NCLB Status	Credential	Area(s) of NCLB compliance	Assignment 3-01-12	Comments
Kathleen Caley	T	Not New	Mult. Subject	K-8 self-contained via exam	K-8	Compliant for assignment
Eleanor Klemesrud	U	Not New	Mult. Subject	K-8 self-contained via exam	K-8	Compliant for assignment
Erin Klemesrud	V	New	Mult. Subject Level II Education Specialist (mild moderate) Supplemental authorization: English		English	VPSS: English (April 2012)
Cheryl Cheney	W	Not New	Life Standard Secondary social science: history, psychology Life Standard Secondary English Multi. Subject	English via major History via minor	History English	Compliant for assignment
Cheree Childers	X	New	Short Term Staff Permit	Science (biological, general)	Biology Geosciences	Application pending via Nevada credential: single subject: biology and geosciences
Mary Ingstad	Y	Not New	Level II Education Specialist (mild moderate)	K-8 self-contained via HOUSSE Art via major	K-8 VAPA	Compliant for assignment
Sherri Morgan	Z	Not New	Single Subject: Business Supplemental Authorization: Introductory Math	Math via HOUSSE Government via HOUSSE Economics via HOUSSE	Math Government Economics	Compliant for assignment
William Powers	AA	Not New	Single Subject: English	English via CTC approved subject matter program	English	No EL authorization

Have applied for EL waiver via the Lassen County Office of Education

Long Valley Charter School Academic Achievement and Enrollment Data

California Department of Education

Created on 4/1/2012

Table 1: 2011 Demographic Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Student Enrollment	312
% Black or African American	1.6
% American Indian or Alaska Native	4.5
% Asian	2.2
% Filipino	0.3
% Hispanic or Latino	9.3
% Native Hawaiian or Pacific Islander	0
% White	81.1
% Two or More Races	0
% Socioeconomically Disadvantaged	41.3
% English Learners	0
% Students with Disabilities	1.9

Data source used "DMDSQL1.EDdemo2.vwSSIDenroll"

California Department of Education

Created 4/1/2012

Table 2: 2011 Truancy, Suspension, and Expulsion Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Enrollment	312
Truancy Number (Rate)	3(1)
Suspension Number (Rate)	4(1.3)
Expulsion Number (Rate)	0(0)

Data source was a provided spreadsheet "umirs1011.xls"

California Department of Education

Created 4/1/2012

Table 3. Academic Performance Index (API) Growth

School Name	Long Valley Charter	Long Valley Charter (While Authorized by Fort Sage Unified School District)
CDS Code	**18767296010763**	**18750366010763**
API Growth for 2010-11	-9	-
API Growth for 2009-10*	-	11
API Growth for 2008-09*	-	34
API Growth for 2007-08*	-	-54

Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"

*Long Valley Charter was authorized by the Fort Sage Unified School District during this time

California Department of Education

Created 4/1/2012

Table 4: 2011 Growth Academic Performance Index (API) Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Valid Scores Schoolwide	122
Schoolwide	741(-9)
Black or African American	-
American Indian or Alaska Native	-
Asian	-
Filipino	-
Hispanic or Latino	-
Native Hawaiian or Pacific Islander	-
White	758(-20)
Two or More Races	-
Socioeconomically Disadvantaged	835(-)
English Learners	-
Students with Disabilities	-
Statewide/Similar Schools Rank	-

Data source used, "API11gdb.dbf, API10bdb.dbf"

- The Growth API is not displayed when there are less than 11 valid scores
(-) The student group is not numerically significant, therefore no growth determination was made

California Department of Education

Created 4/1/2012

Table 5: 2011 Adequate Yearly Progress (AYP) Data	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Met AYP Criteria	No
# Criteria Met/# Criteria Applicable	9/11
2011-12 Program Improvement (PI) Status	Not in PI
2011-12 Program Improvement (PI) Year	NA

Data source used, "APR11adb.dbf, schlpi11.dbf"

California Department of Education

Created 4/1/2012

Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA)	
ELA % Proficency Target: 67.6	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Number of Valid Scores Schoolwide	106
Schoolwide (Met Target)	57.5(No)
Black or African American (Met Target)	-
American Indian or Alaska Native (Met Target)	-
Asian (Met Target)	-
Filipino (Met Target)	-
Hispanic or Latino (Met Target)	-
Native Hawaiian or Pacific Islander (Met Target)	-
White (Met Target)	55.4(No)
Two or More Races (Met Target)	-
Socioeconomically Disadvantaged (Met Target)	59.2(--)
English Learners (Met Target)	-
Students with Disabilities (Met Target)	-

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

California Department of Education

Created 4/1/2012

Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics	
Math % Proficency Target: 68.5	
School Name	**Long Valley Charter**
CDS Code	**18767296010763**
Number of Valid Scores Schoolwide	105
Schoolwide (Met Target)	58.1(Yes)
Black or African American (Met Target)	-
American Indian or Alaska Native (Met Target)	-
Asian (Met Target)	-
Filipino (Met Target)	-
Hispanic or Latino (Met Target)	-
Native Hawaiian or Pacific Islander (Met Target)	-
White (Met Target)	57.1(Yes)
Two or More Races (Met Target)	-
Socioeconomically Disadvantaged (Met Target)	59.2(--)
English Learners (Met Target)	-
Students with Disabilities (Met Target)	-

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

California Department of Education

Created 4/1/2012

Table 8: High School Academic Data	
Grade Ten CAHSEE Passage Rates	
School Name	**SBE -Long Valley Charter**
CDS Code	**18767296010763**
ELA/Math Number Tested	1/1
School wide ELA/Math	71.0/67.0
Black or African American ELA/Math	-
American Indian or Alaska Native ELA/Math	-
Asian ELA/Math	-
Filipino ELA/Math	-
Hispanic or Latino ELA/Math	0/0
Native Hawaiian or Pacific Islander ELA/Math	-
White ELA/Math	78.0/69.0
Two or More Races ELA/Math	0/0
Socioeconomically Disadvantaged ELA/Math	57.0/43.0
English Learners ELA/Math	-
Students with Disabilities ELA/Math	0/0
Cohort Graduation Rate	60
Cohort Dropout Rate	28

Data source used, "CAHSEE2011.txt, EdData.txt"

English Language Arts (ELA)

Table 9. Long Valley Charter School Enrollment

Authorized Enrollment Capacity (Initial Enrollment +/- 25%)	Percent Over Authorized Enrollment Capacity	Enrollment	Date	Method Reported
340	--	272	14-Jul-10	Petition as submitted to SBE for authorization
340	--	315	31-Oct-10	First 20 day apportionment report
340	--	165	9-Dec-10	Enrollment based on attendance reports submitted to the CDE as backup documentation for Period 1 apportionment reporting, submitted December 2010
340	1%	343	7-Jan-11	Enrollment based on attendance reports submitted to the CDE as backup documentation for Period 2 apportionment reporting, submitted April 2011
340	5%	358	20-Jan-11	Based on report submitted by director, Cindy Henry
340	26%	428	23-Mar-11	Enrollment as provided by LVCS's back office provider
340	54%	525	30-Jun-11	Projected 2011–12 enrollment submitted with LVCS preliminary budget
340	50%	510	23-Aug-11	Estimated enrollment per e-mail from Ms. Henry
340	46%	498	Jan-12	Enrollment per phone call with Ms. Henry

Memorandum of Understanding

Between the

California State Board of Education,

and

Long Valley Charter School

July 1, 2010 – June 30, 2015

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Introduction

This Memorandum of Understanding (MOU) is made and entered into by and between the California State Board of Education (SBE) and Long Valley Charter School (the School). In this document the SBE and the School shall collectively be referred to as "the parties."

Purpose of the Memorandum of Understanding

The SBE authorized the School to operate as a California Public Charter School under the State of California Charter Schools Act of 1992 (the Act) on July 14, 2010, by approving the school's application for charter status. The SBE as the authorizing agency has delegated to the State Superintendent of Public Instruction (SSPI), as director of the California Department of Education (CDE), its obligations to oversee the School under the terms of this MOU, the provisions of the School's charter, and applicable federal and state laws and regulations. The SBE reserves the right and authority as the authorizing agency to modify any decision made by the SSPI, the CDE, or a designee.

The Act authorizes the creation of charter schools to improve student learning through a variety of means, including increased learning opportunities, innovative teaching methods, expanded choice for parents and pupils, and performance-based accountability.

The SBE recognizes that there are a limited number of matters related to the operation of the School that go beyond the provisions in the School's charter and acknowledges that the School's board of directors, governance council, and administrators will operate the School appropriately under the provisions of the charter. This MOU addresses matters that are not covered in the charter and provides guidance on the SBE oversight policies and procedures delegated to the SSPI and CDE. Additionally, this MOU outlines the parties' agreements governing their respective fiscal and administrative responsibilities and legal relationships. This MOU is inclusive of Appendices A – G.

The SBE's fundamental concern is to be reasonably assured on a continuing basis that the School's board of directors, governance council and administrators are:

- Implementing the provisions of the approved charter.
- Adhering to all federal, state, and local laws and regulations that apply to the School.
- Operating the School prudently in all respects.
- Providing a sound education pursuant to California *Education Code (EC)* sections 47605(b)(5)(A)(i-ii) and the California Academic Content Standards for all of the School's students.

The CDE will report periodically (annually or as requested or when necessary) to the SBE on the oversight provisions in this MOU.

Term of the Memorandum of Understanding

The MOU shall become effective on July 1, 2010, or on the date on which it is fully executed by all parties and shall end on June 30, 2015, unless the School becomes non-operational prior to that date. A school typically becomes non-operational due to non-renewal, revocation, or renewal by a school district.

This MOU shall be reviewed at least annually and may be amended or augmented by addendum at any time with mutual agreement of the parties. Any modification, amendment, or augmentation to this MOU must be in writing and executed by duly authorized representatives of the parties at the time.

- A duly authorized representative of the School is the governing board president, chief executive officer/director of the School, or a designee.

- A duly authorized representative of the SBE is the Executive Director or a designee.

Material amendments to the School's charter may only be made with the approval of the School's governing board and will take effect only if approved by the SBE.

This MOU is subject to termination during its term as specified by law or as set forth in this MOU.

Term of Charter

The School is a public school that will operate pursuant to a charter authorized by the SBE on July 14, 2010.

The School will be known Long Valley Charter School located at 436-965 Susan Drive, Doyle, CA 94063, and will commence operations between July 1 and September 30, 2009, subject to conditions specified by the SBE that are reflected in this MOU.

The School's charter was granted for a five-year period ending June 30, 2015. The SBE reserves the right to approve amendments to the charter and/or revoke the charter pursuant to *EC* Section 47607.

Section 1: Governance and Organizational Management

The School will be operated Long Valley Charter School, which is a California non-profit public benefit corporation pursuant to California law. The School is a separate legal entity and neither the SBE nor the CDE is liable for the debts and obligations of the School, or for claims arising from the performance of acts, errors, or omissions by the School. The SBE reserves the right to appoint a voting member the Long Valley Charter School governing board to represent its interests in accordance with *EC* Section 47604. The School will use all revenue received from state and federal sources only for the educational services specified in the charter and this MOU for the students enrolled and attending the School. Other funding sources must be used in accordance with applicable federal and state laws and regulations and the terms or conditions of any grant or donation received.

1.1 Organization

The School will have a phone number and e-mail address posted on the School's Web site and will update the posting immediately whenever the information changes. The School will provide the CDE with the phone numbers and e-mail addresses for the School's principal contacts and ensure that this information is kept current.

The School will provide the CDE immediate written notice of any change in the School's directors, officers, or administrators.

1.2 Board of Directors and Establishment of Governance Council

At all times that it is operational, the School will have the following information posted on the School's Web site and will update the information within 30 days of any changes:

- Articles of Incorporation
- Bylaws approved by the governing board
- Roster and biographies of current governing board members

1.3 Board of Directors and Governance Council Responsibilities

Calendar
The annual calendars of the governing board meetings will be posted on the School's Web site. The posting is to include information about how students, parents, and community members will be notified of the meetings and the procedures for them to use to address the governing board.

Board of Directors and Governance Council Meetings
The governing board will conduct the public meetings included on the annual calendars, as well as any additional meetings needed to ensure that the governing board is approving and implementing effective policies and procedures for the School. All meetings will be conducted in accordance with the Ralph M. Brown Act requirements (California *Government Code [GC]* sections 54950-54962). All meeting agendas will be posted on the School's Web site no less than 72 hours prior to each meeting. All policies, policy changes, and approved meeting minutes will be posted on the School's Web site no more than 30 days after each meeting.

Brown Act Training
The School will provide Brown Act training to its governing board members and administrative staff prior to the execution of any duties. The School will certify to the CDE **annually or after any changes in governing board members or administrative staff** that the Brown Act training was provided.

Adoption of Policies and Procedures
The governing board will adopt policies and procedures to guide the operation of the School. All new and/or revised policies and procedures will be posted on the School's Web site no more than 14 days after their adoption. The policies and procedures will include, but are not limited to, the following:

- **Conflicts of Interest**, including provisions related to nepotism for the governing board, and the School's employees and contractors, to: (1) ensure that no action taken by an individual or the School results in actual or apparent conflicts of interest; and (2) verify that all governing board members and School administrators have participated in conflict of interest training.

- **Campus Supervision**, including but not limited to, the supervision of students before, during, and after school; student drop-off and pick-up; and procedures for visitors to enter and leave the campus.

- **Discipline Policies,** including but not limited to those in the charter related to offenses for which students may be given detention or may be suspended or expelled. The policies will include the procedures to be followed and the procedures by which parents and students will be informed of the reasons for suspension or expulsion and of their due process rights.

- **Student/Parent Handbook**. Including but not limited to, detailed expectations of student attendance, behavior, and discipline; due process rights for students requiring and/or receiving special education services; consequences of bullying and harassment; due process rights related to suspension and expulsion; a description of both informal and formal student and parent complaint procedures; graduation requirements; and the school calendar and bell schedule. The handbook will include the rights of students and parents/guardians under state and federal laws, including but not limited to,

the federal No Child Left Behind (NCLB) Act as it applies to highly-qualified teachers and the Family Educational Rights and Privacy Act (FERPA). The School will provide a hard copy of the handbook to each family at the beginning of each school year and to new enrollees during registration, as well as posting the current year's handbook on the School's Web site.

- **Health and Safety Plans**, the School will have the following information posted on the School's Web site and will update it whenever there are changes:

    - A copy of the health, safety, and emergency plan for students and staff. The plan, at a minimum, will address fire emergencies, earthquakes and other natural disasters, civil disorder, accidents and injuries, intruders on campus, and any other threats to the health and safety of students and staff.

  The School will provide training for staff to respond to emergencies and will conduct routine emergency drills for students and staff.

- **Criminal Records Summaries**—All employees of the School, volunteers who are not parents and who will be performing services that are not under the direct supervision of a School employee, and onsite vendors having unsupervised contact with students will submit to background checks and fingerprinting in accordance with *EC* Section 45125.1. The School will maintain on file and available for inspection during site visits, evidence that clear criminal records summaries based on criminal background checks conducted for all employees and volunteers were received, and that vendors conducted the required criminal background checks for their employees prior to any unsupervised contact with students. The School will post on the School's Web site a certification that all employees, volunteers, and vendors had clear criminal records summaries prior to having any unsupervised contact with students.

- **Internal Controls**—The governing board will develop and maintain internal fiscal control policies governing all financial activities that are approved by the governing board. Prior to opening the School and whenever the policies are revised, a copy of the policies and procedures will be submitted to the CDE. The policies and procedures are subject to review during site visits to verify their implementation.

- **Independent Study**—The governing board will develop and maintain policies regarding independent study confirming that all forms and procedures are in compliance with applicable independent study statutes (*EC* Section 51745 et seq.) and regulations.

1.4 Administration

Application, Admissions, and Enrollment Documentation
The School will have the following information posted on the School's Web site and will update the posting within 30 days of any changes.

- Descriptions of outreach and recruitment activities conducted to reach target populations

- Application procedures including admissions and enrollment policies and provisions for public random drawings and preferences consistent with the authorized charter

- A copy of application and enrollment forms

Insurance and Risk Management
Before any individuals are employed or property or facilities are acquired or leased, the School will procure from an insurance carrier licensed to do business in the State of California at least the following insurance coverage. The insurance must be kept in full force during the term of the charter.

- **Property Insurance**—Replacement value, if available from the insurance carrier, for all assets listed in the School's property and consumable inventory. If full replacement coverage is not available, the School will procure property insurance as close to replacement value as possible.

- **General Liability**—At least $2,000,000 per occurrence and $5,000,000 in total general liability insurance providing coverage for negligence, errors, and **omissions; educators' legal liability**; abuse and molestation; and employment practices liability of the School, the governing board, officers, agents, employees, and students. The deductible per occurrence will not exceed $20,000 for any and all losses resulting from negligence, errors and omissions of the School, its governing board, officers, agents, employees, or students.

- **Workers' Compensation**—In accordance with the provisions of the California *Labor Code,* insurance with statutory limits adequate to protect the School from claims under Workers' Compensation Acts that may arise from its operation.

- **Automobile Insurance**—coverage appropriate for the type and use of automobiles or other vehicles used for school business including the transportation of students

In addition, the School will institute risk management policies and practices to address reasonably foreseeable incidents.

The School 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 of 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.

The School will provide evidence of insurance coverage to the CDE prior to opening and annually thereafter and will instruct insurance carriers to notify the CDE immediately if the coverage becomes inoperative for any reason. The CDE may request to see evidence of insurance coverage during site visits.

Exclusive Employer
The School is deemed the exclusive employer of the School's employees for purposes of the Educational Employee Relations Act (EERA) under *GC* Section 3540 et seq. The School will have sole responsibility for the employment, management, discipline, and termination of its employees.

Employee Handbook
The School will have an employee handbook that includes, at a minimum, detailed expectations for employee performance and behavior, due process rights of employees related to disciplinary actions including termination, compensation and benefit information, and a description of both informal and formal complaint procedures. All employees will receive a copy of the handbook and updates to it. The School will provide the CDE an electronic or hard copy of the handbook. Updates to the handbook will be made as quickly as possible but no later than the beginning of the school year following changes in policies or procedures.

Teacher Credentials and Highly Qualified Teacher Requirements
The School will post on the School's Web site a certification that all teachers hold a California Commission on Teacher Credentialing (CTC) certificate, permit, or other document equivalent to those required for teachers in other public schools unless otherwise exempted by the Charter Schools Act. The School will certify compliance with the NCLB highly qualified teacher requirements (HQT). The School will have on file evidence that teachers of any NCLB core subject meet the HQR requirements.

Business Services, Education Management, and Vendor Contracts
If within the term of the charter, the School contracts with a vendor to provide business services including but not limited to payroll, accounting and budgeting, attendance accounting, fiscal reporting, contract management, or purchasing, the School must provide CDE a copy of its agreement that specifies the exact services to be provided and their cost, the term of the contract, and the School's provisions

for monitoring the contract to ensure compliance with the contract and quality of service.

Facilities Agreement
No later than 30 days prior to a change in location or facilities, the School will submit a copy of a written signed lease or similar document indicating the School's right to use the principal school site and any ancillary facilities identified by the School for at least the following year to the CDE. The document must evidence that the facility is adequate for the School's needs. CDE will conduct a pre-opening site visit regardless of whether the school is locating to a facility provided by a district under *EC* Section 47614 or a privately-leased facility. (See Appendix B: Pre-opening Site Inspection Checklist for requirements.) Under extraordinary circumstances, such as a change of facilities necessitated by fire or natural disaster, the CDE may waive the pre-opening site visit.

Department of Transportation Review
Prior to signing any lease or similar document, the School will ensure compliance with *EC* Section 17215 regarding sites located near runways or potential runways.

Zoning and Occupancy
The School will meet all applicable health and fire code requirements and zoning laws. The School will maintain documentation on file of all local approvals including applicable fire marshal clearances, certificates of occupancy, signed building permit inspections, and approved zoning variances.

School Accountability Report Card
On or before February 1 of each year, the School will post its School Accountability Report Card (SARC) for the prior year on the Internet using the template developed by the CDE. The template is available at http://www.cde.ca.gov/ta/ac/sa/.

Section 2: Educational Performance

2.1 Educational Program

The School will have the following information available for CDE review:

- Scope and sequence for all subjects offered by the School.
- The complete educational program for students to be served during the first year and each subsequent year of operation including, but not limited to:
    - A description of the curriculum and identification of the basic instructional materials to be used

  - Plans for professional development for instructional personnel who will deliver the curriculum and use the instructional materials

- Identification of the specific assessments that will be used in addition to the results of the California English Language Development Test (CELDT), the tests within the Standardized Testing and Reporting (STAR) Program, the California High School Exit Examination (CAHSEE), and the California Physical Fitness Test (PFT) that will be used to evaluate student progress

  - Evidence that the School has established a relationship with the contractors for each required statewide testing program

- Annual school calendar that includes the number of instructional days (175 minimum), the annual instructional minutes, and the number of professional development days.

- Daily bell schedule.

2.2 Student Achievement Plan

If after its first year of operation, the School fails to meet its schoolwide or numerically significant subgroup Academic Performance Index (API) growth targets or it fails to make Adequate Yearly Progress (AYP) in a given year, it will be required to submit a Student Achievement Plan (SAP) to the SBE by October 1 of the school year following the school year in which the School failed to meet API targets or AYP. (See Appendix A for requirements.)

After approval by the SBE, the School will implement the SAP and post the SAP on the School's Web site. The CDE may require the School to report its interim/benchmark assessment results to the CDE and the SBE.

The School will not be required to submit an SAP if it meets its schoolwide and significant subgroup API growth targets and AYP each year.

2.3 Annual Update

The School will submit an annual update and narrative to the CDE within 30 days of the release of the CDE Accountability Progress Reporting data each year that includes the following:

- STAR results, both in aggregate format and disaggregated by numerically significant subgroups

- CAHSEE results, when applicable, both in aggregate format and disaggregated by numerically significant subgroups
- Progress made toward meeting API growth targets and AYP
- Progress made toward each of the educational goals and student outcomes identified in the charter
- Progress made toward closing any achievement gaps among numerically significant subgroups
- Results of any additional schoolwide assessments used by the School
- Description of outcomes, goals, and objectives for the following year

If the School was required to submit an SAP, it must also address the following in the Annual Update:

- Progress made in addressing the goals identified in the SAP
- Professional development activities undertaken to further progress in achieving the SAP's goals
- Progress made on implementing curriculum and instructional strategy changes or the organizational changes identified in the SAP
- Evidence that the School and the teachers are systematically examining student data and using it to drive decisions about curriculum and instruction
- Funds targeted to support the SAP

The annual update in conjunction with the SAP, if applicable, will be the addressed during the annual CDE site visits.

2.4 Special Education

The School will post information identifying the Special Education Local Plan Area (SELPA) in which it is participating or of which it is a member, including any documentation pertaining to that participation or membership, such as an MOU on the School's Web site.

2.5 Independent Study

The School may offer a site-based program for grades kindergarten through six and an independent study program for grades kindergarten through twelve. The School may on a case-by-case basis use short-term independent study contracts for students who receive prior approval for absences due to travel or extended illness of one or more consecutive days. Such independent study will be limited to occasional, incidental instances of extended absences and must be fully compliant with all independent study statutes and regulations applicable to charter schools and will be subject to audit using the Education Audit Appeals Panel (EAAP) Guide (available at the EAAP Web site at http://www.eaap.ca.gov/ (outside source).

In order to claim independent study average daily attendance (ADA) on attendance reporting forms, the School must provide prior certification that the School's Governance Council has adopted policies and master agreements and that all forms and procedures are in compliance with applicable independent study statutes (*EC* Section 51745 et seq.) and regulations.

If the School plans to offer a site-based program to grades nine through twelve, it must first submit a plan or proposal to the CDE for consideration. If CDE determines the plan or proposal to be a material revision, the School will be required to petition the SBE for approval before it may offer such a program.

Section 3: Fiscal Operations

3.1 Funding

The School will be direct-funded in accordance with *EC* Section 47651(a)(3), and its general purpose entitlement will be calculated in accordance with *EC* Section 47633 et. seq. The parties recognize the authority of the School to pursue additional funding sources.

3.2 Fiscal Agent

The School is responsible for identifying and working with their county office of education (COE) to establish the appropriate funds and accounts in the county treasury for the School. Pursuant to *EC* Section 47651(a)(3), the county is identified as the county where the local educational agency that initially denied the charter is located.

3.3 Student Attendance Accounting and Reporting

Within 30 days prior to opening, the School will submit proposed attendance accounting procedures for CDE approval, including software or any proposed spreadsheet or database formats. Software must be capable of producing reports as described in this section of the MOU.

Pursuant to *EC* Section 47612.5, charter schools are required to "maintain contemporaneous records of attendance." To fulfill this requirement, **the School shall maintain hard copy attendance records that are signed and dated by the reporting teacher at least once per week.** CDE will periodically request that the School send CDE copies of signed and dated weekly attendance from randomly selected school months. In addition, CDE will inspect weekly attendance records during the annual site visit and reserves the right to inspect weekly attendance during any announced or unannounced visit to the School. **Failure to maintain attendance records that are signed and dated each week by the teacher recording the attendance can result in loss of apportionment funding.**

The School's startup enrollment must be consistent with the enrollment data described in the charter. The School must submit enrollment and attendance reports according to the following schedule:

Data and Description	Deadline To Report to CDE
Pupil Estimates for New or Significantly Expanding Charters (PENSEC) Report—These data are used to calculate the first special advance apportionment for newly operational charter schools which represents approximately 37 percent of annual funding.	**July 30**
First 20 Days Attendance—These data are used to calculate the second special advance apportionment for newly operational charter schools, which represent approximately 18% of annual funding	**No later than 15 days after the first 20 school days**
First Principal Apportionment (P-1)—Attendance for all full school months between July 1 and December 31	**January 5**
Second Principal Apportionment (P-2)—Attendance for all full school months between July 1 and April 15	**April 21**
Annual Apportionment—Attendance for the entire school year	**June 30**

In addition to submitting electronic data files, the School **must** submit hard copies of attendance records that include the following:

- Each student's daily attendance up to the last day included in the reporting period
- Summary reports that include all students' daily attendance subtotaled by school month and by grade
- Hourly attendance sheets signed and dated by teachers for any supplemental hours claimed

Evidence of contact made with parents when students are absent from school (e.g., parent contact log, absence log, etc.) will be inspected during site visits to the school.

NOTE: It is critical that the above attendance reporting deadlines are met in an accurate and timely manner. If the School misses a reporting deadline or submits incomplete reports, it risks being excluded from that apportionment's certification and funding period. For example, if P-1 attendance data is not received in time for inclusion in the P-1 certification, the school's ADA defaults to zero and no funds are paid for the P-1 funding period, February through May.

CDE staff will review and certify the accuracy of the attendance data submitted by the School only when all documentation has been submitted and is accurate. ***Attendance data submitted without the required detail will NOT be processed and may result in loss of funding for the School.***

3.4 Revenue and Expenditure Reporting

The School is required to submit periodic reports of revenues, expenditures, and reserves pursuant to *EC* Section 47604.33. The School must submit reports according to the following schedule:

Budget or Report	Deadline to Submit to CDE
Revised Preliminary Budget—Required to address any concerns CDE identified during the preliminary budget review	**July 1**
First Interim Report—Expenditures through October 31	**December 15**
Second Interim Report—Expenditures through January 31	**March 15**
Unaudited Actuals Report for Prior Fiscal Year	**September 15**

The supplemental information identified in Appendix F must be submitted to CDE with each of the above reports.

3.5 Reserves

The School is expected to maintain reserves at a level at least equivalent to a school district of similar size as identified in 5 *CCR* Section 15450.

School ADA	Expected Reserves
0 - 300	Greater of 5%* or $55,000
301 – 1,000	Greater of 4%* or $55,000

*Percentage applied to total expenditures and other financing uses.

The CDE may request additional information to evaluate the fiscal condition of the School.

3.6 Annual Audit

By April 1 of each year, the School must contract with an auditor from the Certified Public Accountants Directory Service (CPADS) provided by the California State Controller's Office (SCO) to prepare for the annual audit due on December 15. (*EC* Section 41020). The list of CPAs who may perform local education audits is available at http://www.sco.ca.gov/cpads/.

By December 15 of each year, the School will submit an annual independent financial audit to the SCO, the CDE CSD, the CDE Audit Resolution Office, and the COE of the county in which the School is located [*EC* Section 47605(m)]. The School will submit any management letters accompanying the audit report to the CDE. To receive a favorable renewal recommendation, each annual audit must be free of findings and exceptions, or corrective actions plans must have been implemented so that no findings or deficiencies are identified the following year.

The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America, the standards set forth in *Government Auditing Standards* issued by the Comptroller General of the United States, and the Standards and Procedures for Audits of K—12 Local Educational Agencies (audit guide) adopted by the Education Audit Appeals Panel (EAAP). The audit guide is available at http://www.eaap.ca.gov.

3.7 Oversight Fees

Pursuant to *EC* Section 47613, the School will be charged an annual oversight fee not to exceed one percent (1%) of the general purpose and categorical block grant funding provided to the School at the P-1 apportionment. The annual invoice will

also include an adjustment for the preceding year based on the final (P-2) revenue for that year. Invoices are due and payable to CDE within 30 days of receipt.

3.8 Retirement Systems

If applicable, the School will be responsible for entering into a contract with the California State Teachers' Retirement System (CalSTRS) and/or the California Public Employees' Retirement System (CalPERS) and a COE for reporting purposes. Verification of participation must be provided to the CDE prior to hiring any employee whose position is covered by CalSTRS or CalPERS. If the school participates in any alternative retirement systems, information regarding those systems must be also be provided.

Section 4: Fulfilling Charter Terms

4.1 Adherence to Charter

The School will adhere to all elements of its charter petition, including but not limited to its stated mission, measurable student outcomes, curriculum, and assessments.

4.2 Material Amendments to Charter

Changes to the charter deemed to be material amendments may not be made without SBE approval. Material changes include, but are not limited to the following:

- Substantial changes to the educational program including the addition or deletion of an educational program, mission, or vision
- Changing to or adding a non-classroom based program
- Proposed changes in enrollment that differ by more than 25 percent (25%) 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 the School
- Adding or deleting the grade levels to be served
- Adding sites
- Changing admissions policies and preferences
- Changing the governance structure

4.3 Statewide Assessments

The School will comply with the requirements for participation in and administration of all state mandated assessments, including the designation of a test site coordinator and the establishment of accounts with each test vendor.

4.4 Site Visits

The CDE will conduct a site visit prior to the School opening and at least once during the school year.

Pre-opening Visit (see Appendix B)

Prior to the CDE authorizing the School to commence operations, the School must demonstrate that it has completed specified actions and provided required documentation. The documentation required is listed in the Documentation Review Checklist. (See Appendix C.)

At least 30 days prior to the date on which the School is scheduled to begin instruction, the School will have posted on the School's Web site or provided to the CDE each item required on the Checklist. Items not completed by that date must have an agreed upon alternative date by which the item will be completed.

The CDE will visit the School for an inspection and review within 30 days prior to the date the School is scheduled to open. The School may not commence operations without written authorization from the CDE.

Annual Site Visits (See Appendix D)

The CDE will conduct at least one site visit annually to assess the School's progress in governance and organizational leadership, educational performance, fiscal operations and internal controls, and adherence to the charter. Appendix D: Annual Site Visit Protocol and Appendix C: Documentation Review Checklist, describe the evidence and documentation that will be reviewed and evaluated during the visit.

The site visit may include but is not limited to a review of the facility; review of the School's records; interviews with the School's director, staff, parents, and students; and classroom observations. The annual evaluations may be used to determine a renewal decision at the end of the charter term.

The CDE reserves the right to make unannounced visits to the School.

4.5 Notification Regarding Closure, Revocation, or Renewal

At the beginning of any closure or revocation process, the School shall immediately provide at its own expense a written notification to every parent, guardian, or caregiver describing all options available for students to transfer, including specific schools. The School shall also offer administrative assistance to parents, guardians, or caregivers to provide for a timely transfer of students to other schools.

One year before a renewal is to be considered, the School shall provide at its own expense a written notification to every parent, guardian, or caregiver describing the renewal process.

4.6 Renewal

The school may seek renewal of its charter prior to the expiration of the term of the charter in accordance with applicable statutory and regulatory provisions. Under *EC* Section 47605(k)(3), a charter school that has been granted its charter through an appeal to the SBE and elects to seek renewal of its charter shall, prior to the expiration of its charter, submit its petition for renewal to the governing board of the school district that initially denied the charter. If the governing board of the school district denies the school's petition for renewal, the school may petition the SBE for renewal of its charter.

When petitioning the SBE for renewal, the School shall submit a complete copy of its charter renewal petition including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed. The School shall also submit a copy of the most recent Annual Update and SAP, if applicable, to the CDE no later than December 1 of the year in which the charter expires.

The CDE will review the charter petition, the School's academic, financial, and operational performance, audit reports, and annual visit reports, and may also conduct a renewal site visit prior to scheduling the renewal request for consideration by the Advisory Commission on Charter Schools (ACCS) and the SBE.

4.7 Revocation

The SBE retains the right to revoke the charter pursuant to *EC* sections 47604.5 or 47607 for specified reasons with written notice to the School that shall specify concerns, alleged violations, and issues of non-compliance. The CDE will adhere to the requirements in *EC* sections 47607(c) through (e), and any regulations approved by the SBE and the Office of Administrative Law prior to revocation of the charter.

During the period prior to revocation, the School shall have the opportunity to work collaboratively with the CDE or its designee to address the concerns and develop a

plan to remediate all areas to the satisfaction of the CDE and the SBE. During this period of time, the School shall attempt to resolve the concerns and complete remediation. This provision may require an amendment to the charter.

Under circumstances where the CDE determines there is a severe and imminent threat to the health or safety of students, the CDE may take immediate action to assure the safety and well being of the students including but not limited to closure of the School. The SBE will be apprised of the situation before any action is taken.

4.8 Closure Procedures

The School's charter will include a description of the procedures to be used in the event the School closes. The procedures must, at a minimum, contain all of the elements in 5 *CCR* Section 11962 (see Appendix E).

If the School is to close permanently for any reason, the CDE will serve written notice on the School that the School's closure procedures have been invoked. The School will immediately notify the CDE of the specific individual responsible for coordinating the School's closure procedures. The CDE will identify a CSD staff member to work with the School to complete all closure activities.

Pursuant to *EC* Section 47604.3, the School expressly acknowledges the right of the CDE on behalf of the SSPI to take immediate and direct control of the School's student and business records at any time after the CDE gives written notice that it is invoking the closure procedures.

Section 5: Nondiscrimination

The School shall not charge tuition, shall be nonsectarian, and pursuant to *EC* Section 200, the school shall be open to all students regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code. The non-discrimination provisions also shall apply to the employment of all staff members.

Section 6: Severability

If any provision or any part of this MOU is held to be invalid, unenforceable, or contrary to public policy or statute for any reason, the remainder of this MOU shall be unaffected.

Section 7: Non-assignment

No portion of this MOU or the Charter petition approved by the SBE may be assigned to another entity without the prior written approval of the SBE.

Section 8: Waiver

A waiver of any provision or term of this MOU must be in writing and signed by both parties. Any such waiver shall not constitute a waiver of any other provision of this MOU. The parties agree that neither party to this MOU waives any of the rights, responsibilities, or privileges established by the Charter Schools Act of 1992.

Notifications

All notices, requests, and other communications under this MOU will be in writing and mailed to the following addresses:

Beth Hunkapiller, Director
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814-5901

Long Valley Charter School
P.O. Box 7
Doyle, CA 96109

This MOU includes the understanding of the parties with respect to the matters covered in the MOU and supersedes any oral or written understandings between the parties related to the subject matter of this MOU. No person or party is authorized to make any representations or warranties except as set forth herein; and no MOU, statement, representation, or promise by any individual or party that is not contained in this MOU will be valid or binding. The undersigned acknowledges that she/he has not relied upon any warranties, representations, statements, or promises that are not expressly set forth in this MOU. The parties further acknowledge that this MOU will be modified only in writing by the mutual agreement of the parties to updates or modifications to the MOU.

_____ _____
Jane VonTour, President, Long Valley Governing Board Date

_____ _____
Michael Yancey, Education Director, Long Valley Charter School Date

_____ _____
Beth Hunkapiller, Director, CDE Charter Schools Division Date

_____ _____
Nicolas Schweizer, Executive Director, State Board of Education Date

Appendix A: Student Achievement Plan Guidelines

I. Overview

A Student Achievement Plan (SAP) is required to be submitted to the California Department of Education (CDE) if the School fails to meet academic performance index (API) growth targets and/or adequate yearly progress (AYP) in any year. The SAP requires the School to establish specific goals and actions the School will take to improve student academic achievement in those areas identified through the API and AYP as not meeting performance criteria. The School must also identify how it will evaluate progress toward goals and outcomes, and the data that will be collected to measure progress.

The School will be expected to present an Annual Update to the CDE on the progress made in meeting goals identified in the SAP. Data compiled from the SAP and the Annual Update, plus confirming evidence gathered during periodic site visits will provide the CDE with a clear understanding of whether the School is on track to its charter being renewed.

In addition to API and AYP, the School may incorporate a variety of additional outcome measures to further demonstrate academic achievement and organizational effectiveness. While these various supplemental measures will not carry as much weight as the required measures in making renewal decisions, they may be important in helping the School to: (1) demonstrate its value added; (2) achieve its academic goals and distinctive qualities in the School's mission; and (3) highlight those goals and qualities to its greater school community.

II. Required Components of the Student Achievement Plan

For each area in which the School did not meet API targets and/or AYP, the School must submit an SAP to the CDE describing **specific** and **concrete** actions the School will take in order to improve student achievement over the course of the current school year. The SAP must address, at a minimum, the following elements:

- Methods or system the School uses to examine student achievement data on a regular basis across grade levels, by subject matter, by significant subgroups, and across the School as a whole.

- Analysis of the Standardized Testing and Reporting (STAR) Program and AYP results that identifies the specific problem in the area(s) not meeting targets and/or criteria.

- Specific and measurable goals the School will achieve during the current school year.

- Specific actions, which follow from the goals and examination of student data, the School will take to improve student achievement in the area(s) identified as needing improvement, including changes to curriculum, instruction, assessment, governance, and organization.

- Professional development plan for teachers and/or other staff that supports the activities the School will implement to improve performance in targeted areas.

- Diagnostic assessments that will be used to enable the school to monitor the effects of proposed changes on student performance, and the specified intervals at which students will be assessed in order to develop at least two to three data points.

- Timelines for each of the specific actions proposed

The School may use any format it wishes for the SAP; however, **the SAP must be submitted as a Microsoft Word document**. The SAP must be submitted to the CDE by October 1 if the School did not meet API targets or AYP in the prior year.

Further information regarding the API can be found on the CDE API Web page at http://www.cde.ca.gov/ta/ac/ap/index.asp. Information on the AYP, including targets and criteria, can be found on the CDE AYP Web page at http://www.cde.ca.gov/ta/ac/ay/index.asp.

Appendix B: Pre-opening Site Inspection Checklist

School: _____ **Location:** _____

General Considerations	Compliant	Comments
Facilities operation permits and certificates, including evidence of inspection by a structural engineer, fire marshal and occupancy certificates, zoning variances, building permits, etc. have been secured.		
Site is away from freeways, railways, flight patterns, excessive noise, obnoxious odors, toxic conditions, electromagnetic fields, earthquake faults, and flood zones.		
Site has good access and dispersal roads.		
Site has separate bus loading, parking areas, and parent drop off areas.		
Site has appropriate security (i.e. fencing, adequate lighting, alarms, etc.).		
Site and facilities are situated to minimize student contact with adults who do not have appropriate clearances as required by California *Education Code* Section 44237.		
Facilities are generally conducive to a learning environment.		
Building placement is compatible.		
Facilities are sufficient to accommodate estimated student enrollment and to carry out the curricular and instruction program envisioned in the charter.		
Facilities are sufficient to accommodate the administrative and business functions, including the storage of student and other records, reports, and documents.		
Site has adequate space for the support services the school intends to provide to its students (i.e. nurse, counselors, tutors, after-school programs, etc.).		

General Considerations	Compliant	Comments
Facilities include cafeteria or other suitable space for students to eat meals.		
Library or other space dedicated to research and study is suitable for the educational program being provided.		
Indoor and/or outdoor physical education facilities are sufficient to accommodate the program envisioned in the charter.		
Facilities meet requirements of the Americans with Disabilities Act, including: (1) accessible routes from outside the school to the entry and from the school entry to all other buildings; and (2) stairs, ramps, toilets, and signage that meet accessibility standards.		

Building Exterior	Compliant	Comments
Facilities are generally free of chipped paint, cracked floors, uneven surfaces, mold, and evidence of leaks.		
Sidewalks, driveways, and outdoor play areas are relatively free of cracks and uneven surfaces, and are in good repair.		
Perimeter fences are installed as necessary and are in good repair.		
Graffiti or other signs of vandalism to the building are absent.		
School exterior needs minimal cosmetic repairs, painting, or additional lighting.		
Windows and doors are intact and in good repair.		
Exterior stairs or handrails are in good repair.		
Exits of buildings are free of obstructions.		
Signage is adequate for traffic flow and for directions to school offices.		

Building Exterior	**Compliant**	**Comments**
Trees and vegetation provide a clear view of the school; places to hide or to gain authorized access to the building are minimized.		
School site is substantially free of litter and clutter.		

Interior Entrances, Corridors, and Stairs	**Compliant**	**Comments**
Heating and ventilation systems are adequate for the size of the building and numbers of students.		
Electrical system has no major code violations.		
Fire alarm system meets applicable local fire safety codes; appropriate fire extinguishers exist in the building(s) and inspections are up to date.		
Restrooms are conveniently located and accessible to students; toilets are clean and operable.		
Bracing of overhead light fixtures, heating and air conditioning vents, etc. comply with local ordinances.		
Lighting, including nighttime lighting, is sufficient for the educational activities being conducted at the site.		
Floors, walls, and ceilings are clean; ceiling tiles are all intact.		
Halls and stairs are adequately lit.		
Exit doors, including emergency exits, are free of clutter and readily accessible; doors are secure to prevent intruders into the building.		
Interior is free of other hazards that could endanger student safety.		

Classrooms	**Compliant**	**Comments**
Classroom size and layout are related to functions that will be performed in them (i.e. kindergartens, laboratories, special education, locker rooms, gyms, etc.).		
Desks, tables, and chairs are in good repair.		
Space is provided to secure computers and other expensive electronic devices.		
Bookcases, racks, fixtures, etc. are adequately anchored to adjacent structures.		
Gas, electrical, and water outlets and appliances are in good repair.		
Classrooms have adequate lighting.		
Classrooms are visible to teachers at all times; classroom layout is conducive to quick evacuation.		
Kindergarten classrooms have toilet facilities, or dedicated facilities are located within close proximity to classrooms, and are of appropriate height.		

Additional Comments

CSD Reviewer: _____

SFPD Reviewer: _____

Date of site visit: _____

Appendix C: Document Review Checklists

These checklists provide information and dates for the review and submission of required documentation from your school to the California Department of Education (CDE). The required documents are listed according to the Memorandum of Understanding (MOU) section to which they correspond.

Checklist: Pre Opening Conditions

*If these conditions are not met **prior** to the opening of a school, 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**, approval of the charter is **terminated**.*

	Complete	Comments
SBE Conditions for Approval		
Memorandum of Understanding (MOU)/Oversight agreement		
Final Charter (including technical amendments)		
MOU Section:	Complete	Comments
1.4 Administration		
Insurance coverage (property, general liability, Workers' Compensation and auto)		
Facilities use agreement(s)		
Certificate of Occupancy (CO), building permits, evidence of appropriate zoning		
Assure compliance with *Education Code* Section 17215, regarding sites located near runways		
2.1 Educational Program		
Complete educational program		
2.4 Special Education		
Special Education Local Plan Area (SELPA) participation evidence		
3.2 Fiscal Agent		
Verify relationship with county office of education as fiscal agent		
3.3 Student Attendance Accounting and Reporting		
Attendance accounting procedures; software to be used, if any		
3.8 Retirement Systems		
Method to process retirement employment contributions or designated staff person to process retirement contributions		

Checklist: Documents To Be Reviewed Within 30 days of Opening

(Unless otherwise noted, all documents listed below must be posted on the school's website)

MOU Section	Complete	Comments
1.1 Organization		
School contact information		
List of primary contacts with phone numbers and e-mail addresses (send to CDE)		
List of directors, officers and administrative staff (send to CDE)		
1.2 Governing Board Establishment		
Articles of Incorporation		
Bylaws approved by governing board		
Roster/biographies of current board members		
1.3 Governing Board Activities		
Calendar of governing board meetings		
Brown Act training verification (send to CDE)		
Governing board policies in following areas:		
Conflicts of Interest		
Campus supervision		
Discipline		
Parent/student handbook		
Health and safety plan		
Certification of clear criminal records summaries		
Internal fiscal controls		
Independent study (send policy to CDE, if applicable)		
1.4 Administration		
Description of outreach activities		
Application procedures		
Copy of application and enrollment form		
Employee handbook (electronic copy to CDE)		
Teacher credential certification assurance		
Contracts for business services and educational management vendors (send to CDE)		
2.1 Education Program		
Scope and sequence for all subjects offered by the school		
Educational program (curriculum, professional development, assessments)		
Annual school calendar		
Daily bell schedule		
4.3 Statewide Assessments		
Designate test site coordinator (send assurance to CDE)		
Establish accounts with test vendors (send assurance to CDE)		

Checklist: Continuous Document Review/Collection

(Unless otherwise noted, all documents below must be submitted to the CDE)

MOU Section	Due date	Comments
1.4 Administration		
School Accountability Report Card (SARC) (school website)	1-Feb	
2.2 Student Achievement Plan		
Student achievement plan (if applicable)	Oct. 1	
2.3 Annual Update		
Annual update and narrative	Within 30 days of APR data release	
3.3 Student Attendance Accounting/Reporting		
First 20 days attendance/supporting documents	15 days after first 20 days	
First Principal Apportionment (P-1) documentation	Jan. 5	
Second Principal Apportionment (P-2) documentation	Apr. 21	
Annual attendance/supporting documentation	Jun. 30	
PENSEC Report	Jul. 31	
3.4 Revenue and Expenditure Reporting		
Annual budget	Jul. 1	
Unaudited actuals report (only for schools in 1st year of operation)	Sep. 15	
First Interim report	Dec. 15	
Second interim report	Mar. 15	
3.6 Annual Audit		
Annual independent financial audit	Dec. 15	
3.7 Oversight Fees		
Payment of invoice for oversight fee	May	

Appendix D: SBE Authorized Charter School Monitoring Instrument

The California Legislature enacted the Charter Schools Act of 1992 to authorize the establishment of charter schools. The purposes of charter schools, as specified in *EC* Section 47601 (Outside Source), are to:

1. Improve pupil learning.
2. Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils identified as academically low achieving.
3. Encourage the use of different and innovative teaching methods.
4. Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.
5. Provide parents and students with expanded educational opportunities within the public school system without the constraints of traditional rules and structure.
6. Provide schools a way to shift from a rule-based to a performance-based system of accountability.
7. Provide competition within the public school system to stimulate improvements in all public schools.

Purpose of Site Visit

The site visit by California Department of Education staff is to assess the school's progress in governance and organizational leadership, educational performance, fiscal operations and internal controls, and adherence to the charter. The site visit may include to a review of the facility; review of the school's records; interviews with the school's director, staff, parents, and students; and classroom observations. The annual site visit is guided by professional integrity and is grounded in evidence, not opinion. The annual site visit evaluations may be used, in part, to formulate a renewal decision at end of the charter term.

Process

The length of a site visit may vary but will average 1 ½ days.

PRE-VISIT	TIMELINE
The CDE oversight team leader contacts school to schedules the on-site visit.	6 weeks prior to visit
The CDE oversight team provides school leadership with an orientation to the process.	4 weeks prior to visit
School sends documents requested by the CDE evaluation team to the team leader.	4 weeks prior to visit
Site visit evaluation team members review documents submitted by the school and record their initial questions about the school's performance according to protocol standards. The evaluation team creates a draft schedule of interviews and classroom visits, finalizes the schedule with the school's input, and sends a copy of the schedule to the school.	1-2 weeks prior to visit

ON-SITE	TIMELINE
The site visit evaluation team spends a minimum of one and a half days on site conducting classroom visits and interviews with school administration, faculty, and students. Site visit evaluators may conduct the special education file review during the on site visit, or schedule this separately.	At least 1 ½ - 2 days
While on site, the team leader communicates regularly with school leadership to keep the school informed of the team's progress and to seek the school's input on that progress.	Ongoing
The oversight team's primary objective is to evaluate the degree to which schools are meeting expectations specified in the school charter. To reach this set of findings and recommendations, the team develops a consensus based on available evidence. Collected evidence is discussed throughout the site visit.	Ongoing
Team leader presents oral report of key findings to school leadership.	Last day of visit

FOLLOWING THE VISIT	TIMELINE
After the site visit, the oversight evaluation team develops a written report that formalizes the findings discussed on site. Usually, one team writer develops a draft report and then shares it with team members.	1 week after the visit
Team writer edits report to incorporate team member feedback and sends to team leader. The team, at its discretion, can send the report to the school for factual clarification.	2 weeks after the visit
School provides factual corrections to team leader.	3 weeks after the visit
Team leader incorporates feedback and files final report with the CDE Charter Schools Division Office and the school. The reports should be used by the CDE to monitor school performance and for decision-making, should become part of the school's public record, and should be used by the CDE for public reporting purposes (including for the annual accountability report).	4 weeks after the visit

Schedule Template

Find below a sample schedule. Site visit schedules will vary from school to school. The daily schedule for the visit will be constructed by the oversight team leader with guidance from school leadership. The team has specific tasks to be completed during the visit. However, the team leader will work collaboratively with school leadership to create a schedule that minimizes disruptions to the typical school day.

Sample Site Visit Overview		
Day 1	**Day 2**	**Day 3**
	7:30 am: School tour, task assignments	7:30–8:30 am: Feedback to school leaders
	8:30–11:30 am: Classroom visitations, interviews, including second	8:30–10:30 am: Oral report of team judgments to school
	11:30am–12:30 pm: Team lunch, debrief	
	12:30–2:30 pm: Classroom visitations, interviews	
2–3 pm: Initial principal/ leadership team interview	3:00–3:30 pm: Note writing, evidence sorting, materials review	
3–4 pm: Teacher/Staff interview	3:30–5:30 pm: Moderation: evidence sorting, sifting, evaluating, development of consensus judgments	
4–5 pm: Board Interview		

Sample Daily Schedule for Oversight Visit		
Day One – [Day, Month Date, Year]		
2–3 pm	Oversight Team meeting with principal/leadership team interview	
3–4 pm	Teacher/Staff interview	
4–5 pm	Board Interview	
Day Two – [Day, Month Date, Year]		
7:30 am	Oversight Team Arrives on Site	
7:30–8:30 am	Tour of school lead by staff person and if appropriate 2-3 students	
	Team Member #1 [Administrative track]	Team Member #2 [Academic track]
8:30–10:30 am	8:30–9:30 am: Meet with administrative team: principal/AP/CAO/Special Education 9:30–10:30am: classroom observations 2–3 classrooms (20–30 min each)	Classroom observations 4–6 classrooms (20–30 min each)
10:30–11:30 am	Meet with selected students [selected by school]	
11:30 am–12:30 pm	Team Meeting & Lunch (can also be with staff) [Conference Room]	
12:30–1:30 pm	Classroom observations 2–3 classrooms (20–30 min each)	Classroom observations 2–3 classrooms (20–30 min each)
1:30–2:00 pm	Meet with selected grade students [selected by school]	
2:00–2:30 pm	Meet with school secretary/attendance clerk	
2:30–3:30 pm	Parent Focus Group [Conference Room]	
Day Three – [Day, Month Date, Year]		
7 am	Oversight Team Arrives on Site	
7:00–8:30 am	Team Meeting	
8:30–10:30 am	Final report to School Leadership Team Principal, Assistant Principal, Director of Assessment, Director of Guidance, Executive Assistant to Principal [Conference Room]	

Evaluation Categories
Each school is reviewed using the following four categories:

I. **Governance and Organizational Leadership:** The charter school and the governing board are duly constituted in accord with the school's charter and applicable state and federal statutes, and are organized to support the school's mission and vision supporting the achievement of high standards by all students (EC 47605(b)(5)(D)).

II. **Educational Performance:** The charter school provides a rigorous educational program for all students that is based on state content standards, and delivered in a supportive and positive learning environment. The school meets API and AYP annual growth targets and it own established outcomes. (EC 47605(b (5) (A)).

III. **Fiscal Operations and Internal Controls:** The school is financially viable organization that is operated in compliance with all applicable state and federal requirements, state reporting requirements, and sound fiscal practices for the purpose of supporting high student achievement.

IV. **Fidelity to Charter:** The school implements all of its operations in accord with its approved charter, adheres to requirements for prior approval of material changes to the charter, and communicates as necessary with its authorizer regarding departures from the charter.

I.	**Governance and Organizational Leadership** The charter school and the governing board are duly constituted in accord with the school's charter and applicable state and federal statutes, and are organized to support the school's mission and vision supporting the achievement of high standards by all students.

1.1 **Mission and Vision –** The governing board has a clear mission and vision for the School, consistent with the charter, and adopts policies and procedures that support high student achievement.

1.2 **Governing Board Operations** – The governing board has established procedures to hold regular meetings that are conducted openly, to ensure that decisions are made without perceived or actual conflicts of interest, and has clearly delineated board roles and responsibilities.

1.3 **Policy Guidance** – The governing board provides direction to the School leadership through the adoption of policies and procedures that support and promote high academic standards in a safe and healthy School environment.

1.4 **Evaluations –** The governing board employs, and holds accountable, School leadership, and authorizes school leadership to operate the school in accordance with the charter, applicable laws, and the School's mission and vision to improve student performance.

1.5 **Stakeholder Participation** – The School has processes in place that ensure stakeholder input regarding the School's effectiveness in such areas as student discipline, parent (guardian) involvement, community engagement, and motivation of students toward high academic achievement and good citizenship. The governing board communicates regularly with all stakeholders regarding student achievement and progress toward meeting the School's goals.

1.6 **Monitoring Education and Fiscal Data** – The governing board routinely reviews academic and other School data, and uses it to provide direction and allocation of resources for continuous improvement of student achievement, fiscal viability and compliance, and for ensuring school wide excellence.

1.7 **Board Development** – The governing board is appropriately trained in charter operations and applicable laws, including Brown Act training. New board members are given a formal orientation to the purpose and background of the School, and their roles and responsibilities, including the fiscal requirements of operating a nonprofit organization.

Evidence Reviewed

Document:	**Interview:**
❑ List/roster of governing board members	❑ Board of Directors
❑ Charts/descriptions of board roles and responsibilities	❑ Staff
❑ Articles of incorporation	❑ Parents
❑ Board approved bylaws (most recent)	❑ Other: _____
❑ Board Norms	
❑ Governing board meeting dates	
❑ Agenda	
❑ Minutes	
❑ Public posting (if appropriate)	
❑ Brown Act training (if appropriate)	
❑ Board resolutions/policies/regulations included, not limited to, conflict of interest, handbooks (parent/student/employee), student discipline & due process, employee discipline & due process, parent complaint resolution & due process, bank signature authorization, internal checks related to fiduciary items, safety plan	
❑ Student records related to immunization	
❑ Family Education Rights & Privacy Act (policy & notices)	
❑ Section 504 and Office of Civil Rights	

Compliance ❑ Evidence that the school's operations are non-sectarian, the admissions requirements are non-discriminatory, and the school does not charge tuition or its equivalent. ❑ Harassment policy for students and staff ❑ Parent involvement verification ❑ Meeting calendar ❑ Agendas & minutes ❑ Notices ❑ Recruitment Outreach documents ❑ Marketing brochures ❑ Student application and selection process ❑ SARC ❑ Facility Use Agreements, CO, Building Permits, etc. ❑ Insurance coverage—documentation of payments to carriers ❑ CBEDs data ❑ Student information: grade, gender, racial/ethnic, free/reduced lunch, special education ❑ Personnel files as deemed necessary ❑ Other: _____	

Findings:					
Conclusion:	❑ Exceeds requirements	❑ Meets requirements	❑ Approaching requirement	❑ Does not meet requirement	❑ Not reviewed

II	**Educational Performance** *The charter school provides a rigorous educational program for all students that is based on state content standards, and delivered in a supportive and positive learning environment. The School meets API and AYP annual growth targets and its own established outcomes.*

2.1 **Academic Performance** – The School meets state assessment targets, including targets for all significant subgroups, and performs at least as well as other comparable schools in the district. The School can demonstrate, where applicable, that it is closing the achievement gap between subgroups.

2.2 **Measurable Student Outcomes** – The School has strong, measurable student outcomes, including outcomes for both state assessments and the School's unique goals, and uses data to support how well students are doing in meeting outcomes.

2.3 **Instructional Leadership** – The School's leadership effectively promotes the School's mission and vision, maintains a focus on high academic achievement, fosters a culture of respect, professionalism, and shared decision-making, and has a system in place to coach and evaluate faculty and staff to improve student learning.

2.4 **Curriculum** – The School has a curricular plan that guides the work of faculty and staff, and allocates sufficient resources to implement the plan. The curriculum is rigorous, relevant, and appropriate to the needs of all students. Benchmark assessments are used throughout the year to determine student progress in learning the curriculum.

2.5 **Instruction** – Instructional practices are varied and appropriate to individual student's learning styles. Teachers demonstrate knowledge and expertise in the subjects they teach. Teachers maintain high expectations for students, and promote high levels of engagement and use of critical thinking skills through a variety of motivational strategies. Students are assessed frequently and data is used to modify and strengthen instructional practices.

2.6 **Opportunities to Learn** – All students have equitable opportunities to learn. The School has support systems and strategies in place to assist academically underperforming students, including students with special needs, and English Language Learners, and provides opportunities in class and outside the regular school day for students to master the curriculum.

2.7 **Professional Development** – The School has a school-wide professional development plan that supports the curriculum plan and is consistent with the evaluation system. Faculty engages in ongoing professional development to improve instructional practices. Opportunities for teachers to collaborate regularly for the purpose of improving curriculum and instruction are built into the school day, and used to regularly gauge the effectiveness of instruction as it impacts student achievement.

2.8 **Learning Environment** – The School promotes a supportive, respectful, and nondiscriminatory learning environment in which students can attain high levels of achievement. Adults at the School know all students, and based on that knowledge, provide support and resources to meet the social and emotional needs of students. School rules and consequences are clearly understood by parents and students, and they are consistently applied to ensure a safe and healthy school environment.

2.9 **Facilities Support Learning** – The school facilities are clean, safe, and inviting to students and the community. Students and staff exhibit pride in the School. Exemplary student work is posted throughout the school, in addition to other items, such as school mission and vision, school motto, and guiding principles that send a consistent message that the School has a strong academic focus and high standards for students.

2.10 **Use of Data** – The School uses data regularly to make continuous improvements to curriculum and instruction that support high student achievement. Teachers regularly collect data in the classroom to determine the degree to which students are mastering content standards and modify instructional practice accordingly. School leadership uses data to determine progress in meeting school-wide goals and outcomes and to modify strategies for whole school improvement.

2.11 **Communication with Parents** – The School fosters ongoing two-way communication between parents and the School regarding individual student achievement and school wide progress in meeting goals and outcomes. Parents are welcomed and are provided opportunities to participate in the educational program. The School provides training opportunities for parents and community members to enable them to understand the curriculum, instruction, and assessment plan of the school.

Evidence Reviewed	
Document: ❑ Test results reviewed on line ❑ Home Language Survey ❑ SARC ❑ Bell schedule ❑ School calendar ❑ Professional development plan ❑ Staff meeting agendas/minutes ❑ Parent newsletters ❑ Other: _____	**Interview:** ❑ Board of Directors ❑ Principal ❑ Teachers ❑ Parents
Findings:	

Conclusion:	❑ Exceeds requirements	❑ Meets requirements	❑ Approaching requirement	❑ Does not meet requirement	❑ Not reviewed

III	**Fiscal Operations and Internal Controls** *The School is a financially viable organization that is operated in compliance with all applicable state and federal requirements, state reporting requirements, and sound fiscal practices for the purpose of supporting high student achievement.*

3.1 **Budget Oversight** – The governing board has oversight and responsibility for approving annual and amended budgets to ensure that resource allocation is sufficient to support the School's mission and vision, and to improve student achievement. Operations of the school are primarily funded through state and federal funds without reliance on fund raising, donations and grants for support of ongoing operations. The School maintains a prudent reserve.

3.2 **Budget Modifications** – The governing board regularly reviews and monitors the School's revenues, expenditures and cash flow, and adopts modifications to the operating budget to ensure the financial stability of the School in order to sustain a high quality charter school

3.3 **Fiscal Reporting** – The School submits required financial reports, including the budget and interim reports, the unaudited actual report, and the annual independent audit, that meet required time lines and are accurate, and are formally approved by the governing board.

3.4 **Fiscal Systems** – The School has in place and implements effective systems and practices to manage revenues and expenditures, accounting, payroll, and equipment inventories. The governing board has adopted policies and procedures to ensure implementation of sound fiscal systems that allow the School to make informed fiscal decisions.

3.5 **Internal Controls –** The School implements governing board-adopted internal controls as recommended under general audit standards. That ensure the integrity of all fiscal systems, and which ensure that neither governing board members nor school staff take actions that result in the appearance or actual conflicts of interest or nepotism.

3.6 **Audits** – The school has annual audits that are free of significant audit findings/exceptions. If audit findings have occurred, the School has promptly addressed the findings and taken appropriate action to resolve the exceptions, and informed its authorizer of the actions taken.

3.7 **Compliance with Law** – The governing board and School leadership have an understanding of state and federal statutes that guide charter schools, and ensure the expenditure of funds occurs in a manner that is compliant with applicable federal and state laws governing the use of those funds.

Evidence Reviewed

Document:	**Interview:**
❑ Budget	❑ Principal/Executive Office
❑ Audit documentation	❑ Board of Directors
❑ Financial reports to the board/agendas/minutes	❑ Fiscal Staff
❑ Financial practice policy	❑ Parents
❑ Procurement of curriculum materials	❑ Other: _____
❑ Evidence of fundraising efforts	
❑ Attendance management system, policies/procedures	
❑ Independent study procedures, documentation logs, student contracts, schedules, class lists, and policies if applicable	
❑ Other: _____	

Findings:

Conclusion:	❑ Exceeds requirements	❑ Meets requirements	❑ Approaching requirement	❑ Does not meet requirement	❑ Not reviewed

IV	**Fidelity to Charter** *The School implements all of its operations in accord with its approved charter, adheres to requirements for prior approval of material changes to the charter, and communicates as necessary with its authorizer regarding proposed departures from the charter.*

4.1 **Adherence to Charter** – The School adheres to its charter as approved by the State Board of Education. The School implements the educational and other programs described in the charter. The School is meeting API and AYP growth targets.

4.2 **Material Amendments to the Charter** – The School understands it must submit *material* amendments to the charter for approval by the State Board of Education **prior** to making any material changes, including material changes to programs, enrollment, admissions preferences, governance structure, and/or the addition of new facilities.

4.3 **Adherence to Assurances** – The School adheres to assurances that it will not charge tuition, will be nonsectarian, and will be open to all students regardless of ethnicity, national origin, gender, or disability, and that those provisions of non-discrimination shall apply to employment also.

4.4 **Compliance with Laws and Regulations** – The School complies with all state and federal laws and regulations applicable to charter schools, and keeps informed of new developments and changes to existing laws/regulations.

4.5 **Open Admissions Process** – The School is open to any resident of the state, including students with special needs and English Language Learners. If applications exceed spaces available, the School conducts a random admissions process (lottery) that complies with state and federal procedures and preferences.

Evidence Reviewed

Findings:

Conclusion:	❑ Exceeds requirements	❑ Meets requirements	❑ Approaching requirement	❑ Does not meet requirement	❑ Not reviewed

Sample Questions for Governing Board

1. Briefly describe the mission, vision, and goals of your School.
2. How do you develop plans to achieve those goals?
3. How do you monitor and evaluate staff performance?
4. What policies has the board adopted to support the mission and vision, and high student achievement that will result in a sustainable, high quality charter school?
5. How does the board set priorities for the expenditure of funds for the School?
6. What processes do you have in place to involve stakeholders in the School?
7. How do you ensure clear, two-way communication between the governing board and the stakeholders?
8. How often does the governing board meet to discuss fiscal issues, amend budgets, review cash flow, or make resource allocations to support the mission and vision of the School? Examples?

Sample Questions: **Principal**

1. How are parents and community members involved in School processes? How do you communicate your School goals to them?
2. How do you use data to drive instruction?
3. How is learning assessed at the classroom level? School-wide?
4. What interventions are used for students who aren't mastering the curriculum? How are these monitored, both School-wide and at the classroom level? How are parents involved?
5. What subgroups do you monitor for performance/progress?
6. How do you determine staff development needs? What evidence do you have of the effectiveness of the professional development that you use?

7. Do teachers have regular collaborative planning time? How often? How is it structured and assessed?

8. How do you evaluate the School program?

9. How are internal controls implemented at the School? Examples?

10. What is the process you use for working with the board to establish budgetary priorities?

11. If the School contracts with an external vendor for services (such as back office services), what are the procedures for communicating information (compliance deadlines, new procedures, etc.) between both parties? How is the quality of the service assessed? How often?

12. What are the central features of the School's charter?

13. Are there any provisions of the charter you are unable to implement?

14. How do you monitor the degree to which the School is meeting its stated learning goals and objectives?

15. Describe the student admission process.

16. How do you keep informed about changes to statutes and regulations that affect the School and charter schools generally?

Sample Questions: Teachers

1. What are some of the things that you like the most about the School?

2. How involved are you in the decision-making of the School?

3. How do you use data to differentiate the instruction for your students?

4. Tell us how you monitor student performance/progress for individual students and groups of students. How often is this done?

5. When and how often does the School monitor its progress overall, to ensure that the goals for each student are met?

6. What policies do you have in place for students who are frequently absent? Who initiates the intervention?

7. What professional development opportunities are currently available to you?

8. Do you have common planning time with your colleagues? When and by what grouping?

9. Is there a policy in place for sharing each others practices?

10. If needed, how are decisions about changing the instructional plan made?

11. What kinds of support services does the School leadership provide to you as a teacher?

12. If you had a chance to make improvements in the School, what improvements would you recommend?

Sample Questions: Students

1. What do you think about your School? How satisfied are you with your School?

2. Do you find the instruction engaging? Give examples.

3. Do you feel that the staff respect and listen to the students?

4. Is there someone on the staff you feel comfortable with to confide issues and/or concerns you may have? Who?
5. If you are absent from School does anything happen? If so, what?

6. Are School goals and plans shared with students? How?

7. What types of activities does the School provide to help you academically?

8. If you had a chance to make improvements in the School, what improvements would you recommend?

Sample Questions: Parents

1. Does the School share its goals and plans with the parents? How does it do this? (meetings, letters, calls?)

2. Does the School invite you to come and share information which can be used to help develop a plan for your child?

3. Is attendance a high priority for the School? What happens when your child is absent?

4. What partnerships does the School have with outside agencies and how do they enhance the overall experience of the students at the School?

5. What are some of the things you like most about the School?

6. If you had a chance to make improvements in the School, what improvements would you recommend?

7. How active are the parents at this School? In what ways do they participate?

Sample Classroom Walk Through: Observation Data

Teacher:			Room #:
Grade:	Course:	School:	
Date of Observation:	Time of Observation:	Observer:	
DOMINANT STUDENT AND TEACHER ACTIVITY (Mark one in each area and then describe)			
Student Engagement Percent of students orientated to the work ___All ___Most ___About Half ___ Some ___ Few			
Dominant Student Activity	**Dominant Teacher Activity**		
___ Whole class work ___ Worksheet completion ___ Independent work ___ Cooperative learning groups ___ Small group work ___ Other_____	___Direct Instruction (concept development) ___Lecturing ___Frontloading (Anticipatory Set) ___Monitoring independent work ___Assessment: informal formal ___Sitting at desk ___Other		

CONTENT/STANDARD (WHAT are students learning)	**CONTEXT** (HOW are students learning/ the assignment/ artifact)	
Unit of Instruction	**Intervention Programs**	**Behavior Standards** (posted and enforced)

EFFECTIVE TEACHING PRACTICES (Mark all noted)	
___ Standard/objective known by student	___ Feedback on homework / Relevance
___ Checks for Understanding ___Structured ____White Boards ____TPR ____Random	___ *Specific* Reinforcement and Praise ___ Nonlinguistic Representations
___ Differentiation ___ IEP Implementation	___ Cooperative Learning
___ELD / SDAIE Strategies	___ Multiple Intelligences
___Modalities __Visual __Auditory__Kinesthetic	___ Generating and Testing Hypotheses
___Bloom's Taxonomy K C A A S E	___ Class walls reflect current learning
___Identifying Similarities and Differences	___ Questions, Connect to prior learn, Organizers
___Summarizing and Note Taking	___ Other:
Technology: OH/DC PP IWB M CRS IN C DS	

OH/DC Overhead/Document Cam **PP** Power Point **IWB** Interactive White Board **M** Movies / DVD / Video
CRS Classroom Response System **IN** Internet **C** Computers **DS** Distributed Sound System
ELD / SDAIE Strategies: Students Answer in Complete Sentences, Students Speaking 50% of Time, Instruction includes: Grammar and Verb Tense Study Charts, General and Content Vocabulary, Realia/Hands-on Materials/ Manipulatives, Graphic Organizers, Think Aloud, Role Playing, Total Physical Response, Total Pupil Response

Appendix E: School Closure Procedures Checklist

Invoking Closure Procedures

Item	Description	Lead Contact	Due Date	Verified
1	In the case of revocation or non-renewal, the California Department of Education (CDE) shall notify the charter school in writing that the closure procedures have been invoked. In the case of voluntary surrender, the charter school shall notify the CDE in writing that the closure procedures have been invoked.			

Immediate Actions

Item	Description	Lead Contact	Due Date	Verified
2	The charter school shall immediately notify the CDE of the location of all student and business records. Following that notification, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except that student records may be copied for students' families or transferred to other schools, provided a notation is kept of the records copied or transferred.			

Item	Description	Lead Contact	Due Date	Verified
3	The charter school and the CDE shall each immediately identify an individual who will serve as the single point of contact for the entity regarding the school's close out activities.			
4	The CDE shall immediately notify the charter school in writing whether, on behalf of the State Superintendent of Public Instruction, it is taking over immediate and direct control of all the school's student and business records.			

Students and Families

Item	Description	Lead Contact	Due Date	Verified
5	The charter school shall notify the family of each student enrolled of the school's closure. Unless the CDE otherwise directs, the notification shall be immediate in the case of a revocation (that takes immediate effect) or shall occur within ten days of the invocation of the closure procedures in the case of closure at the end of current academic year.			
6	The charter school shall continue instruction until the end of the current academic year (unless a revocation takes immediate effect). The charter school shall publicly announce cancellation of all future classes.			
7	If the charter school continues instruction to the end of the current academic year, report cards shall be issued within seven days of the end of classes.			

Item	Description	Lead Contact	Due Date	Verified
8	The charter school shall notify surrounding school districts and the county office of education within fourteen days of the school's forthcoming closure (or immediate closure if a revocation takes immediate effect).			
9	The charter school shall provide information to students and families regarding alternative public school placements within 30 days of the announcement of the school's forthcoming closure, or immediately in the case of a revocation that takes immediate effect.			
10	The charter school shall offer to provide a copy of each student's cumulative file upon request of the student's family. The school shall provide the copy within seven days of a request being received, ensuring that the documents are given to the family member identified as having legal custody or guardianship of the student.			
11	The charter school shall comply within seven days to requests for the transfer of students' cumulative files to other public or private schools in which the students enroll.			
12	The charter school shall respond within seven days to inquiries from students and their families and from the media regarding the school's closure, the disposition of student and business records, and the alternative placement available to the students.			
13	The charter school shall provide the CDE within fourteen days with a list of students (names, addresses and phone numbers) in each grade level and the classes they have completed. Identify each student's district of residence, and a notation of where the student's records have been transferred.			

Item	Description	Lead Contact	Due Date	Verified
14	The charter school, if a local educational agency (LEA) in a special education local planning area (SELPA), shall notify the SELPA within fourteen days of the closure, complete all documentation necessary for special education students and transfer copies of the student's records to the SELPA.			
15	The CDE shall respond promptly to inquiries from students and their families and from the media as necessary.			

Student and Business Records

Item	Description	Lead Contact	Due Date	Verified
16	Once the closure procedures have been invoked, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except for the duplication or transfer of student cumulative files as noted.			
17	At the point the charter school is dissolved, the student and business records shall come under the exclusive control of the CDE which shall distribute, maintain, or dispose of the records as it determines appropriate.			
18	The charter school shall terminate all present leases, service agreements and other contracts not necessary for the close out of the school. Leases, service agreements, and contracts should be terminated in a cost effective manner in order to minimize expenses.			

Item	Description	Lead Contact	Due Date	Verified
19	The charter school shall return grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law as appropriate. A final expenditure report for all grants will be submitted within fourteen days. Federal grants must be closed out, including the filing of the required Final Expenditure Reports and Final Performance Reports. Federal Forms 269 and 269a may apply if the school was receiving funds directly from the U.S. Department of Education.			
20	Close all financial records of the school as of revocation or closure date.			

Faculty and Staff

Item	Description	Lead Contact	Due Date	Verified
21	The charter school shall immediately notify its faculty and staff of the school's closure, providing each with necessary information related to compensation and retirement, including, but not limited to, any optional benefits that they may continue after the school closes.			
22	The charter school shall provide the CDE within fourteen days with a description of current and projected payroll and payroll benefits commitments through closure, including a list of each employee, and their job duties, and a projection of the funds necessary to: (1) transition the students and records; (2) complete all administrative closure related tasks; and (3) complete contracts and grants.			

Item	Description	Lead Contact	Due Date	Verified
23	The charter school shall provide CDE within fourteen days with notice of any outstanding payments to staff and the method by which the school will make the payments.			
24	The charter school will within fourteen days contact the California State Teachers' Retirement System (CalSTRS), California Public Employees' Retirement System (CalPERS), and the county office of education and follow their procedures for dissolving contracts and reporting, copying the CDE on all correspondence.			
25	Prior to final closeout, the charter school shall do all of the following on behalf of the school's employees: • File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines. • File the Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63). • Make final federal tax payments (employee taxes, etc.) • File the final withholding tax return (Treasury Form 165). • File the final return with the IRS (Form 990 and Schedule).			

Assets and Liabilities

Item	Description	Lead Contact	Due Date	Verified
26	The charter school shall notify all funding sources (including charitable partners) of the school's closure within fourteen days.			
27	The charter school shall immediately notify all contractors (such as a charter management organization, education management organization, food service provider, instructional service provider, or transportation service provider) of the school's closure.			
28	If the charter school has any agreements with organizations representing employees, the charter school shall notify the organizations of the school's closure as may be specified in the agreements.			
29	The charter school shall notify the CDE within fourteen days of all pending litigation to which the school is a party. The charter school shall immediately notify the CDE if litigation is filed thereafter up to the point that the school is formally dissolved.			
30	The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive list of creditors and debtors.			
31	The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive inventory of all assets.			

Item	Description	Lead Contact	Due Date	Verified
32	The charter school, within 30 days, shall prepare and deliver to the CDE a plan for the proposed disposal of all property owned by the school (and acquired with public funds) in order to maximize revenue in accordance with law, payment of any and all liabilities and the disbursement of any remaining assets of the school, liquidation of assets to pay off any and all outstanding liabilities, bearing in mind that assets paid for by state funds may be transferred in accordance with the nonprofit corporation's bylaws to another public agency such as another charter school. Assets donated to the school may be returned to donors or disposed of in accordance with donor's wishes. Net assets, (after the payment of outstanding liabilities), if any, may be transferred to another public agency such as another charter school.			
33	The charter school shall arrange for preliminary (if necessary) and final closure audits to be paid for from the special reserve or bond revenue. The auditor engaged to perform the audit(s) shall be from the list of approved school auditors maintained by the California State Controller's Office and shall be approved by the CDE. The audit(s) at a minimum shall determine the disposition of all assets and liabilities of the charter school and shall verify the school's comprehensive list of creditors and debtors, and the amounts owed or owing, as well as verify the school's comprehensive list of all assets by source, noting any restrictions on each asset's use.			
34	Based on the audit findings, and with the approval of the CDE, the charter school shall expend any identified assets to liquidate any identified liabilities.			

Dissolution of the School (Corporate) Entity

Item	Description	Lead Contact	Due Date	Verified
35	**Following the resolution of all outstanding assets and liabilities, the charter school shall be dissolved. If established as a nonprofit public benefit corporation pursuant to California *Education Code* Section 47604, the corporation shall be dissolved.**			

Appendix F: Supplemental Financial Information
State Board of Education Authorized Charter School
Fiscal Year 2009-10

Reporting Period

Preliminary Budget—Due July 1
First Interim Report Reflecting Changes Through October 31—Due December 15
Second Interim Report Reflecting Changes Through January 31—Due March 15

Budget Assumptions

Current Fiscal Year	Grades K–3	Grades 4–6	Grades 7–8	Grades 9–12
General Purpose Entitlement per Average Daily Attendance (ADA)				
Categorical Block Grant Entitlement per ADA				
ADA				

	Unaudited Actuals Prior Year	Adopted Budget Current Year	First Interim Current Year	Second Interim Current Year	Budget Projection Budget Year	Budget Projection 2nd Budget Year
ADA (use prior year Second Principal Apportionment [P-2])						
Certificated Salary Cost of Living Adjustment (COLA)—% and Total (if % varies, include total $ only)						
Are Salary and Benefit Negotiations Finalized? Yes or No						
Classified Salary COLA—% and Total $ (if % Varies, Include Total $ Only)						

	Unaudited Actuals Prior Year	Adopted Budget Current Year	First Interim Current Year	Second Interim Current Year	Budget Projection Budget Year	Budget Projection 2nd Budget Year
Other Certificated Salary Adjustments—Total $ (Provide Explanation)						
Other Classified Salary Adjustments—Total $ (Provide Explanation)						
Health and Welfare Benefits Increase—% and Total $						

Additional Supplemental Information

- Include a narrative discussion of assumptions used in the current and two subsequent fiscal years, including:

    1. Source of Data. (Example: School Services of California dartboard)

    2. Change and cause. (Example: health benefit costs increased from and estimated 15% at budget adoption to 18% at first interim based on actual renewal rates from ABC group.

3. Effect. (Example: resulting in a health benefit cost increase of $3,000.)

- Provide projected growth in ADA, include details regarding the impact to cash flow, facilities, assets/liabilities, etc.
- Identify current staffing levels/positions and provide projected growth for two subsequent fiscal years. Include justification for significant increases in staff and/or salaries that are not aligned with an increase in ADA.
- Provide cash flow statements for the current and two subsequent fiscal years.
- Provide detail of state, federal, and local revenues by source for current and two subsequent fiscal years.
- Provide a profit and loss statement.
- Include a narrative discussion and reason for significant changes between the current reporting period and the prior reporting period in ADA, state, local, and federal revenues, expenditure categories, other financing sources and uses of funds, and components of ending fund balance. For example, compare adopted budget to prior year unaudited actual revenues and expenditures, first interim report to adopted budget, second interim report to first interim report; etc.
- Compare the change in fund balance for the budget and two prior years. Provide an explanation if the fund balance has declined for the last two fiscal years.
- Identify all multiyear fiscal obligations, excluding salaries and benefits, for the next three years and identify the resources used to service those commitments.
- Identify any potential or contingent liabilities that may affect the budget.
- If a significant percentage of ongoing expenditures are funded with one-time resources, explain how the one-time resources will be replaced to continue funding the ongoing expenditures in the following years.

Appendix G: California Department of Education Internet Resources

The following links to the California Department of Education (CDE) Web site are provided as a resource only.

CDE Listservs and Calendars

CDE Calendar of Events (Holidays and other recognized events):
http://www.cde.ca.gov/re/pn/fb/yr10calendar.asp

Conference Calendar (Statewide and national education conferences of interest):
http://www.cde.ca.gov/re/ca/cc/

Directory of Selected CDE Listservs: http://www.cde.ca.gov/re/di/cd/listservs.asp

CDE Charter School Listserv: http://www.cde.ca.gov/sp/cs/re/cscommlists.asp

CDE All Assessments Listserv:
http://www.cde.ca.gov/ta/tg/sa/aamail.asp

Family Area Network Listserv (Scroll down the page to locate):
http://www.cde.ca.gov/ls/pf/pf/

Funding Listserv: http://www.cde.ca.gov/fg/fo/af/joinlist.asp

2010–11 Student Testing Information

Student Testing Dates and Information:
http://www.cde.ca.gov/ta/tg/sa/1011testdates.asp

North/South Fall 2010 Information Meeting Information:
http://www.cde.ca.gov/ta/tg/sa/1011testdates.asp

All Assessments E-mail List:
http://www.cde.ca.gov/ta/tg/sa/aamail.asp

Special Education Resources

CDE Special Education Services and Resources Web page:
http://www.cde.ca.gov/sp/se/sr/

SELPA Out-of-Geographic Area Charter School Process Information: http://www.cde.ca.gov/sp/se/sr/oogselpachrtr.asp

Data Collection Information

CDE Data Collections (Including CBEDS, CALPADS, CSIS, and Language Census): http://www.cde.ca.gov/ds/dc/

Facilities Information

School Site Selection and Approval Guide: http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp

Document Translation

Clearinghouse for Multilingual Documents (Provides free access to many translated documents contributed by LEAs and the CDE): http://www.cde.ca.gov/ls/pf/cm/

Fiscal Information

CDE Fiscal Calendars: http://www.cde.ca.gov/re/ca/fc/

CDE Finance & Grants Web page: http://www.cde.ca.gov/fg/

Audit Resources: http://www.cde.ca.gov/fg/au/

Education Audit Appeals Panel - Audit Guide: http://www.eaap.ca.gov/ (Outside Source)

State Controller's Office – Certified Public Accountant's Directory: http://www.sco.ca.gov/cpads/main/default.aspx (Outside Source)

Categorical Programs Fiscal Information (information for most formula driven programs): http://www.cde.ca.gov/fg/aa/ca/

CDE Funding: http://www.cde.ca.gov/fg/fo/

Funding Listserv: http://www.cde.ca.gov/fg/fo/af/joinlist.asp

Charter Schools Annual Information Survey: (Charter data reported to CDE on this survey may be accessed by clicking "Print a Survey" and navigating through the drop down menus) http://www.cde.ca.gov/sp/cs/ac/csinfosvy0910.asp

Consolidated Application: (Refer to "Program Profiles" for information on individual federal programs) http://www.cde.ca.gov/fg/aa/co/

Financial Reporting: (Includes links to SACS Software and Charter School Unaudited Actuals – Alternative Form) http://www.cde.ca.gov/fg/sf/fr/

Lottery: http://www.cde.ca.gov/fg/aa/lo/

Principal Apportionment (General Purpose Entitlement & Categorical Block Grant): (Refer to fiscal year for respective Principal Apportionment Exhibits Charter School Funding Rates for 2009-10 [historical funding rates included]): http://www.cde.ca.gov/fg/aa/pa/index.asp and http://www.cde.ca.gov/fg/aa/pa/blockgrantrates09.asp

Charter School Categorical Block Grant Programs: http://www.cde.ca.gov/fg/aa/ca/charterschools.asp

Principal Apportionment Attendance Software: http://www.cde.ca.gov/fg/sf/aa/

Title I (programmatic information): http://www.cde.ca.gov/sp/sw/

Assessment Apportionment Information: http://www.cde.ca.gov/fg/fo/profile.asp?id=1873

California Department of Education
Executive Office
SBE-003 (REV. 06/2008)
gacdb-csd-jul10item06

ITEM #19

CALIFORNIA STATE BOARD OF EDUCATION

JULY 2010 AGENDA

SUBJECT	
Petition for Renewal of a Charter School Under the Oversight of the State Board of Education: Consideration of the Long Valley Charter School Petition, Which Was Denied by the Fort Sage Unified School District and the Lassen County Board of Education.	☒ Action ☒ Information ☒ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) and the Advisory Commission on Charter Schools (ACCS) recommend that the State Board of Education (SBE) hold a public hearing and approve the petition to renew the Long Valley Charter School (LVCS) under the oversight of the SBE. The CDE also recommends that the ACCS recommend that the SBE incorporate the following provisions in its approval action:

- The SBE's Conditions on Opening and Operation as set forth in Attachment 1.
- Modifications to the charter in accordance with the CDE report as set forth in detail in Attachment 2, and as follows:
    - Description of Educational Program, California *Education Code* (*EC)* Section 47605(b)(5)(A) and *California Code of Regulations,* Title 5 (5 *CCR),* Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program
    - Pupil Outcomes, *EC* Section 47605(b)(5)(B): clarify that LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups
    - Employee Qualifications, *EC* Section 47605(b)(5)(E): clarify position qualifications and responsibilities for teachers and non-instructional staff
    - Vision, Hearing, Scoliosis Testing, *EC* Section 47605(b)(5)(F): clarify procedures for all vision, hearing and scoliosis testing

RECOMMENDATION (Cont.)

- Racial and Ethnic Balance, *EC* Section 47605(b)(5)(G) and 5 *CCR* Section 11967.5.1(f)(7): clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance

- Admission Requirements, *EC* Section 47605(b)(5)(H) and 5 *CCR* Section 11967.5.1(f)(8): clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils

- Annual Independent Financial Audits, *EC* Section 47605(b)(5)(l): revise to reflect consistency with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP) and referral of disputes to the EAAP pursuant to *EC* Section 41344

- Suspension and Expulsion Procedures, *EC* Section 47605(b)(5)(J): include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically. In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled

- California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS), and Social Security Coverage, *EC* Section 47605(b)(5)(K): clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees

- Public School Attendance Alternatives, *EC* Section 47605(b)(5)(L) and 5 *CCR* Section 11967.5.1(f)(12): clarify how information regarding attendance alternatives will be communicated to parents

- Dispute Resolution Procedures, *EC* Section 47605(b)(5)(N): revise to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools.

- Specification of a five-year term beginning July 1, 2010, and ending June 30, 2015.

- Termination of the charter if the school does not resume operations between July 1 and September 30, 2010.

- In accordance with the standard Memorandum of Understanding among the SBE, the CDE, and SBE-authorized charter schools, if the school fails to meet its API growth targets in a given year, either schoolwide or by numerically significant subgroups, or if the school fails to make Adequate Yearly Progress (AYP), it will be required to prepare a Student Achievement Plan (SAP) by October 1 of the

RECOMMENDATION (Cont.)

year following the year in which the school failed to meet API targets or AYP. The SAP shall be approved by the SBE at its January meeting, and the SBE may require the school to submit additional reports to the SBE at subsequent meetings.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since 1992, 74 charter petition appeals have been submitted to the SBE for consideration. Of these 74, the SBE approved 30 petitions on appeal of local denial, 28 petitions were withdrawn by the petitioners prior to formal consideration by the SBE, the SBE denied 10 petitions, the SBE did not take formal action on 3 petitions, and 3 petitions are before the SBE today.

Of the 30 petitions approved by the SBE since 1992, 29 charter schools are currently operating under SBE oversight, and 9 charter schools are no longer under SBE oversight due to charter renewal at the local level, abandonment, and revocation. Of the 29 charter schools currently operating under SBE oversight, the SBE approved 15 on appeal of local denial, 11 under 3 statewide benefit charters, and the SBE renewed 3 charter schools on appeal of local denial.

SUMMARY OF KEY ISSUES

LVCS has been operating as a conversion charter school in the Fort Sage Unified School District (Fort Sage USD) since 2000. Fort Sage USD granted LVCS a renewal of its petition on November 17, 2004, for a five-year term from 2005 to 2010. The LVCS renewal petition was denied by the Fort Sage USD governing board on January 20, 2010. LVCS submitted an appeal to the Lassen County Board of Education (Lassen CBE) that was denied on March 29, 2010. Pursuant to *EC* Section 47605(j), petitioners for a charter school that has been denied at the local level may petition the SBE for approval of the charter, subject to certain conditions.

LVCS is located in Doyle, California, an isolated, rural community that is located more than 41 miles from the closest city of Susanville, California. LVCS serves 107 kindergarten through eighth grade students in a site-based program and 165 kindergarten through grade twelve students in a nonclassroom-based independent studies program. Demographically, students at LVCS are similar to those in the other Fort Sage USD schools.

The LVCS 2009 Base API score of 739 is the highest in the Fort Sage USD, and LVCS has exceeded its growth targets both schoolwide and in its reported subgroups. LVCS met 2009 Adequate Yearly Progress (AYP) goals in 10 out of 10 criteria. It was the only school in the Fort Sage USD to meet its AYP goals. In 2009, LVCS received a statewide decile ranking of 3 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD were too small to receive similar schools decile rankings. The Fort Sage USD primary and middle schools each earned a statewide decile rank of 1, and the high school earned a statewide ranking of 3.

SUMMARY OF KEY ISSUES (Cont.)

EC Section 47607(b) requires that a charter school meet at least one of the following criteria prior to receiving a charter renewal:

- Attained its Academic Performance Index (API) growth target in the prior year or in two of the last three years
- Attained a statewide API decile ranking of 4 or higher in the prior year or in two of the last three years
- Attained a similar schools API decile ranking of 4 or higher in the prior year or in two of the last three years
- Academically outperformed neighboring schools or any schools its pupils would otherwise be required to attend

To form its recommendation, the CDE and the ACCS reviewed the LVCS petition, results from statewide assessments, and the LVCS budget and cash flow reports. Based on the materials reviewed, the CDE finds that the LVCS petition includes all of the elements required under statute and regulation for the establishment of a charter school. In addition, LVCS meets the requirements for the renewal of a charter school as specified in *EC* Section 47607(b) as it attained its API growth target in the prior year, it received a decile rank of four on the API as compared to demographically similar schools, and its academic performance based on API and AYP data exceeds the academic performance of schools its students would otherwise attend.

Furthermore, the CDE finds that granting the LVCS charter is sound educational practice for the following reasons: the petition describes a site-based and independent study program likely to meet the needs of pupils within the community where the school is located. The guiding principles of the LVCS educational program are based on the Efficacy Approach, which affirms that one is not “born smart,” but one “gets smart” through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.

In addition, the CDE finds that the petitioners are demonstrably likely to implement the program set forth in the petition, and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to *EC* Section 47605(b)(5).

Technical amendments are needed for clarification and to reflect SBE authorization; however, the CDE concludes that none of these amendments is substantive. The LVCS petitioners have agreed to incorporate all of the amendments identified in the CDE report into the final LVCS charter, which is one of the requirements under the SBE’s Conditions on Opening and Operation.

SUMMARY OF KEY ISSUES (Cont.)

The LVCS petition was considered by the ACCS on June 16, 2010. By a vote of seven to zero, the ACCS recommended that the SBE approve the establishment of LVCS subject to (1) incorporation of all amendments identified in the CDE report; and (2) meeting the SBE's Conditions on Opening and Operation.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, this school would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary and high school districts.

ATTACHMENT(S)

Attachment 1: SBE Conditions on Opening and Operation (2 Pages)
Attachment 2: CDE Charter School Petition Review Form (51 Pages)
Attachment 3: LVCS charter and appendixes (46 Pages)
Attachment 4: Fort Sage USD reasons for denial and petitioner's response (43 Pages)
Attachment 5: Lassen CBE reasons for denial and petitioner's response (9 Pages)

STATE BOARD OF EDUCATION
CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Not later than **July 1, 2010,** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.
- **MOU/Oversight Agreement.** Not later than TBD, either (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (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 California *Education Code* (*EC*) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.
- **Special Education Local Plan Area Membership.** Not later than TBD, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and, not later than **July 1, 2010**, 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.** Not later than **July 1, 2010**, 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, not later than TBD, 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, identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) program in evaluating student progress. 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.** Not later than **July 1, 2010**, 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.** Not later than **July 1, 2010**, 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 Planning 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 Planning Division.
- **Final Charter.** Not later than TBD, 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 staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.
- **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 Public Employees' Retirement System (PERS) and the State Teachers' Retirement System (STRS).
- **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 TBD, approval of the charter is terminated.

Petitioner	**Evaluator**
Long Valley Charter School	Bonnie Galloway

Key Information Regarding:	
Grade Span and Build-out Plan	The school currently serves 107 kindergarten through eighth grade students in a site-based program and 165 kindergarten through grade twelve students in a nonclassroom-based independent studies program.
Location	Long Valley Charter School (LVCS) is currently located at 436-965 Susan Drive, Doyle, California 96109. Doyle, California, is an isolated, rural community that is located 41 miles from the closest city of Susanville, California.
Brief History	The LVCS petition was initially approved for a five-year term by Fort Sage Unified School District (Fort Sage USD) on June 1, 2000, and renewed for a five-year term by Fort Sage USD on November 17, 2004. LVCS submitted a subsequent renewal petition to Fort Sage USD on November 18, 2009, and was denied on January 20, 2010, by a vote of five to zero. LVCS appealed to the Lassen County Board of Education (Lassen CBE), which denied the petition on March 29, 2010, by a vote of five to zero.
Founding Group	This renewal charter was submitted by the LVCS Board of Directors of LVCS and its Financial Director, Pam Auld.

Overall California Department of Education Evaluation

The LVCS petition includes all of the elements required under statute and regulation for the renewal of a charter school. The California Department of Education (CDE) recommends approval of the LVCS petition as the LVCS charter meets the pre-requisites for renewal under California *Education Code* (*EC*) Section 47607(b) by attaining its API growth target in the prior year, receiving a decile rank of four on the API as compared to demographically similar schools, and by exceeding the academic performance of schools its students would otherwise attend. In addition, the petition describes an educational program likely to meet the needs of pupils within the community where the school will locate; petitioners are demonstrably likely to implement the program set forth in the petition; the petition includes the required affirmations; and the petition contains reasonably comprehensive descriptions of the 16 elements pursuant to *EC* Section 47605(b)(5).

A number of technical amendments are needed for clarification and to reflect SBE authorization; however, none of these amendments are deemed substantive. The LVCS petitioners have agreed to incorporate all of the amendments identified in this report into the final LVCS charter, which is one of the requirements under the State Board of Education (SBE) Conditions on Opening and Operation, as follows:

- The SBE's Conditions on Opening and Operation as set forth in Attachment 1.

Overall California Department of Education Evaluation
• Modifications to the charter in accordance with the CDE report as set forth in detail in this attachment, and as follows: o Description of Educational Program, *EC* Section 47605(b)(5)(A) and *California Code of Regulations*, Title 5 (5 *CCR*), Section 11967.5.1(f)(1): clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program o Pupil Outcomes, *EC* Section 47605(b)(5)(B): clarify that LVCS will meet or exceed its Academic Performance Index (API) growth targets both school wide and in reportable subgroups o Employee Qualifications, *EC* Section 47605(b)(5)(E): clarify position qualifications and responsibilities for teachers and non-instructional staff o Vision, Hearing, Scoliosis Testing, *EC* Section 47605(b)(5)(F): clarify procedures for all vision, hearing and scoliosis testing o Racial and Ethnic Balance, *EC* Section 47605(b)(5)(G) and 5 *CCR* Section 11967.5.1(f)(7): clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance o Admission Requirements, *EC* Section 47605(b)(5)(H) and 5 *CCR* Section 11967.5.1(f)(8): clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils o Annual Independent Financial Audits, *EC* Section 47605(b)(5)(l): revise to reflect consistency with the standards and procedures adopted by the Education Audit Appeals Panel (EAAP) and referral of disputes to the EAAP pursuant to *EC* Section 41344. o Suspension and Expulsion Procedures, *EC* Section 47605(b)(5)(J): include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically. In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled o California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS),

Overall California Department of Education Evaluation
and Social Security Coverage, *EC* Section 47605(b)(5)(K): clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees o Public School Attendance Alternatives, *EC* Section 47605(b)(5)(L) and 5 *CCR* Section 11967.5.1(f)(12): clarify how information regarding attendance alternatives will be communicated to parents o Dispute Resolution Procedures, *EC* Section 47605(b)(5)(N): revise to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools • Specification of a five-year term beginning July 1, 2010, and ending June 30, 2015. • Termination of the charter if the school does not open between July 1 and September 30, 2010. • In accordance with the standard Memorandum of Understanding among the SBE, the CDE, and SBE-authorized charter schools, if the school fails to meet its API growth targets in a given year, either schoolwide or by numerically significant subgroups, or if the school fails to make Adequate Yearly Progress (AYP), it will be required to prepare a Student Achievement Plan (SAP) by October 1 of the year following the year in which the school failed to meet API targets or AYP. The SAP shall be approved by the SBE at its January meeting, and the SBE may require the school to submit additional reports to the SBE at subsequent meetings. The CDE recommends that the LVCS charter be approved, subject to incorporation of all amendments identified in this report, up to and including action taken by the SBE. In addition, the CDE recommends the inclusion of the SBE's Conditions on Opening and Operation, which are: • Insurance Coverage—Not later than (DATE TO BE DETERMINED [TBD]) (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings. • Memorandum of Understanding (MOU)/Oversight Agreement—Not later than TBD, either: (a) accept an agreement with the

Overall California Department of Education Evaluation
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 (SELPA) Membership—Not later than TBD, submit written verification of having applied to a SELPA for membership as a local educational agency (LEA) and, not later than TBD, 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—Not later than TBD, 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, not later than TBD, submit the complete educational program for pupils to be served in the first year including, but not limited to: (1) a description of the curriculum and identification of the basic instructional materials to be used; (2) plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and (3) identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR) Program in evaluating student progress. 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—Not later than TBD, 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—Not later than TBD, present written agreements (e.g., a lease or similar document) indicating the school's

Overall California Department of Education Evaluation
right to use the principal school site and any ancillary facilities identified by the petitioners for at least the first year of the school's operation (as an SBE-chartered school) 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 Planning Division. • Zoning and Occupancy—Not less than 30 days prior to the school's opening, present evidence that the 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 Planning Division. • Final Charter—Not later than TBD, 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 staff. • Processing of Employment Contributions—Present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to CalPERS and CalSTRS. • Operational Date—If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation within one year of the charter petition's approval by the SBE, approval of the charter is terminated.

Requirements for SBE-authorized Charter Schools, Pursuant to *EC* Section 47605

Sound Educational Practice	***EC* Section 47605(b)** **5 *CCR* Section 11967.5.1(a)**
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.	
Is the charter petition "consistent with sound educational practice?"	**Yes**
Comments: The LVCS petition proposes an educational program that is likely to be of educational benefits to the pupils who attend the school. The LVCS 2009 Base API score of 739 is the highest in the Fort Sage USD, and LVCS has exceeded its growth targets both schoolwide and in its reported subgroups. LVCS met 2009 Adequate Yearly Progress (AYP) goals in 10 out of 10 criteria. It was the only school in the Fort Sage USD to meet its AYP goals. In 2009, LVCS received a statewide decile ranking of 3 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD were too small to receive similar schools decile rankings. The Fort Sage primary and middle schools each earned a statewide ranking of 1, and the high school earned a statewide ranking of 3.	

Unsound Educational Practice	***EC* Section 47605(b)(1)** **5 *CCR* Section 11967.5.1(b)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either of the following: (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend.	

Unsound Educational Practice	***EC* Section 47605(b)(1)** **5 *CCR* Section 11967.5.1(b)**
Does the charter petition present evidence of "an unsound educational program?"	**No**

Comments:
There is nothing in the LVCS petition indicating that its educational program is unsound. Based on API and AYP data, LVCS provides students a higher-performing academic program than the other schools in the Fort Sage USD and the districts from which LVCS independent study students reside. Among students in the independent study program, 82 percent of students reside in districts that did not meet AYP goals, and 85 percent of students reside in districts with AYP percent proficient rates in ELA and mathematics that generally range from 5 to 20 percent lower than percent proficient rates at LVCP.

There is no reasonable evidence to suggest that students at LVCS would suffer harm from any program at LVCS or not be more likely to show academic achievement than if they attended the other schools in their districts of residence.

Demonstrably Unlikely to Implement the Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**

Evaluation Criteria

For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program."

(1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control.

(2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school.

(3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified).

(4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.

Demonstrably Unlikely to Implement the Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**
Are the petitioners "demonstrably unlikely to successfully implement the program?"	**No**

Comments:
The LVCS history demonstrates academic success. The LVCS petition demonstrates that the petitioners are likely to continue to implement the program as set forth in the charter petition. LVCS appears to have a reasonable comprehension of the requirements of law and a solid background in the educational, financial, organizational, and legal aspects of operating a charter school.

The LVCS petitioners have also presented a realistic operational plan and a financial plan that appears sustainable. The LVCS budget appears to be balanced and meets the recommended levels of reserves identified in 5 *CCR* Section 15450. The petitioners provide their own business management services for the school.

Required Number of Signatures	***EC* Section 47605(b)(3)** **5 *CCR* Section 11967.5.1(d)**

Evaluation Criteria

For purposes of *EC* Section 47605(b)(3), a charter petition that "does not contain the number of signatures required by [law]"…shall be a petition that did not contain the requisite number of signatures at the time of its submission…

Does the petition contain the required number of signatures at the time of its submission?	**N/A**

Comments: Signatures are not required for a renewal petition.

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**

Evaluation Criteria

For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
(1)…[A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.	Yes
(2) (A) A charter school shall admit all pupils who wish to attend the school. (B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. (C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.	Yes
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to *EC* Section 48200.	Yes
Does the charter petition contain the required affirmations?	Yes
Comments: The LVCS charter contains the required affirmations.	

The 16 Charter Elements

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program…, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Yes
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Yes
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Yes; Technical Amendments Needed
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Yes
(G) Indicates how the charter school will meet the needs of pupils with disabilities, English learners, pupils achieving substantially above or below grade level expectations, and other special student populations.	Yes

1. Description of Educational Program	*EC* Section 47605(b)(5)(A) 5 *CCR* Section 11967.5.1(f)(1)
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify pupils who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Yes
If serving high school pupils, describes how district/charter school informs parents about: • Transferability of courses to other public high schools; and • Eligibility of courses to meet college entrance requirements (Courses that are accredited by the Western Association of Schools and Colleges [WASC] may be considered transferable, and courses meeting the University of California [UC]/California State University [CSU] "a-g" admissions criteria may be considered to meet college entrance requirements.)	Yes
Does the petition overall present a reasonably comprehensive description of the educational program?	**Yes; Technical Amendments Needed**

Comments:
LVCS offers a standards-based curriculum that includes a site-based program for pupils in kindergarten through eighth grade and a nonclassroom-based program for pupils in kindergarten through grade twelve. The site-based program uses multi-age settings, technology and community service projects. The non-classroom based program provides support for family-based instruction ("home schooling") including access to assemblies, community service projects, and extra curricular activities through the site-based program.

The guiding principles of LVCS are based on the Efficacy Approach, which affirms that one is not "born smart," but one "gets smart" through hard work and appropriate support. To this end, each student at LVCS develops a Student Goal Plan (SGP), an individually defined program developed by the teacher, parent, and student. The SGP is tied to measurable outcomes and assessments and students and parents receive reports throughout the year indicating progress toward the goals in the SGP.

Student demographics at LVCS are similar to those at the other schools in the Fort Sage USD; however, because of the remote location and small population of the district, comparisons are difficult. LVCS employs outreach methods, such as development of informational materials in languages other than English, to ensure racial and ethnic balance.

1. Description of Educational Program	*EC* Section 47605(b)(5)(A) 5 *CCR* Section 11967.5.1(f)(1)

Each member of the LVCS teaching staff provides and participates in the staff enrichment program. Each teacher chooses a project that will benefit staff. Upon approval by the Advisory Council, the teacher receives training and then in turn shares this training with the rest of the staff. In addition, LVCS operates a Community Outreach Program that utilizes a wide range of community organizations to provide resources, mentoring, student internships, and cultural enrichment. The Community Outreach Committee invites students and families from the entire Fort Sage USD to participate in events such as Outdoor Education Camp, Lit Jam, and Lit Fest.

Plan for Low-Achieving Pupils
Low-achieving students are assessed using a variety of standardized assessments and supported by Response to Intervention and Title 1 services. In addition, LVCS offers tutoring for low-achieving independent study students during traditional school hours. Site-based students are offered Title 1 teacher assistance and reading intervention for an additional 20 minutes per day in small groups four days per week.

Plan for High-Achieving Pupils
Advanced independent study high school students identified through STAR results, report cards, and teacher observation may enroll in Barstow Community College online course work or on campus at Lassen Community College. If parents choose to pay tuition, these students have the opportunity to earn a two-year degree by the time they graduate from high school. LVCS also offers visual and performing arts opportunities through private vendors.

Plan for English Learners
Neither the Fort Sage USD nor LVCS report having English learner (EL) students. LVCS will utilize the home language survey and the California English Language Development Test (CELDT) to identify EL pupils. All current LVCS teachers have completed coursework or testing to be qualified to instruct EL students. Most of the curriculum adopted by LVCS includes materials for EL students.

Plan for Special Education Pupils
LVCS commits to complying with all laws affecting individuals with exceptional needs, including all provisions of the Individuals with Disabilities in Education Improvement Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and all other applicable state and federal laws. Before the LVCS renewal petition was denied by Fort Sage USD and Lassen CBE, LVCS was categorized as a public school of the county in accordance to *EC* Section 47641(b). If approved by the SBE, the petitioners intend to apply to the Lassen County SELPA as an LEA for the provision of special education services to LVCS pupils. Should LVCS be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado SELPA.

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**

Upon request from the CDE, LVCS promptly provided comprehensive descriptions of its educational programs that included the following components:

- Methods of instructional delivery for the on-site and independent study programs
- Teaching strategies used for students with different learning styles (auditory, kinesthetic, visual, tactile, global, analytic)
- Response to Intervention program information
- Course offerings for elementary and secondary independent study students
- High school graduation requirements

The CDE recommends that technical amendments be made to the LVCS charter petition to clarify aspects of the LVCS educational program, including a description of the high school curriculum and independent study program.s

2. Measurable Pupil Outcomes	***EC* Section 47605(b)(5)(B)** **5 *CCR* Section 11967.5.1(f)(2)**
Evaluation Criteria Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual pupils and for groups of pupils.	Yes
(B) Include the school's API growth target, if applicable.	Yes, Technical Amendments Needed
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**Yes, Technical Amendments Needed**

2. Measurable Pupil Outcomes	*EC* Section 47605(b)(5)(B) 5 *CCR* Section 11967.5.1(f)(2)

Comments:
The LVCS charter petition states that its measurable student outcomes are aligned with California academic content standards pursuant to EC Section 47605(c)(1). In addition, the petition states that students will continue to demonstrate increased skills and understanding of core subjects as follows:

- Language Arts
  - Reading, oral, and written language
  - Literature from various time periods and cultures

- Mathematics
  - Developing the ability to reason logically and apply mathematical concepts and processes
  - Comprehensive understanding of how math is applied in the real world in technology today

- Science
  - Utilizing scientific research and inquiry methods to understand and apply major concepts
  - Comprehensive understanding of how science is applied in the real world in technology today

- Social Sciences
  - Civic, historical, and geographical knowledge to serve as citizens in a world of diverse cultures

The petition also includes that students will demonstrate understanding of the following non-core outcomes:

- Technology as a resource to increase knowledge
- Increased awareness of environment and community
- An appreciation of visual and performing arts

CDE recommends technical amendments to the charter petition to clarify that LVCS will meet or exceed its API growth target both school wide and in reportable subgroups.

3. Method for Measuring Pupil Progress	***EC* Section 47605(b)(5)(C)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Yes
(B) Includes the annual assessment results from the STAR program.	Yes
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	Yes
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**Yes**

Comments:
The LVCS petition presents a reasonably comprehensive description of the methods to be used for measuring pupil progress. Key methods of measuring pupil progress include:

- STAR program
- CELDT
- School-adopted benchmark curriculum assessments, including Accelerated Math, Early STAR Literacy, and STAR Reading
- SGPs
- Teacher observation
- Self-evaluation
- Work Samples

Results of these assessments are shared regularly with parents through the following means:

- Conferences and SGP reviews
- Progress reports and report cards
- Publication of the School Accountability Report Card (SARC)

3. Method for Measuring Pupil Progress	***EC* Section 47605(b)(5)(C)** **5 *CCR* Section 11967.5.1(f)(3)**
The petition states that each year, LVCS will conduct a program evaluation to determine the effectiveness of all aspects of the program by measuring student growth. The Education Director or designee will present this annual evaluation to the authorizing board and make it available to the Advisory Council.	

4. Governance Structure	***EC* Section 47605(b)(5)(D)** **5 *CCR* Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	Yes
Does the petition present a reasonably comprehensive description of the school's governance structure?	**Yes**

4. Governance Structure	***EC* Section 47605(b)(5)(D)** **5 *CCR* Section 11967.5.1(f)(4)**
Comments: The LVCS petition presents a reasonably comprehensive description of the LVCS governance structure. LVCS is incorporated as a non-profit public benefit corporation and is governed by a Board of Directors in accordance with bylaws that have been adopted by the LVCS board. The Board of Directors includes representatives from parents and LVCS staff. Per the bylaws, the LVCS Board of Directors will act in full compliance with the Brown Act, the Political Reform Act, and will adopt policies and procedures regarding self-dealing and conflicts of interest. The Advisory Council is comprised of equal members of staff and parent/community members and will address schoolwide problems and submit policies to the Board of Directors for approval. LVCS has also incorporated a Community Advisory Board consisting of community members including business owners, community leaders, politicians, and professionals. Parents have opportunity to participate in the governance school as stakeholders in the Board of Directors and members of the Advisory Council. The Advisory Council is tasked with developing parental involvement strategies and policies for submission to the Board of Directors.	

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications [of the school's employees], as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes, Technical Amendments Needed
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	Yes
Does the petition present a reasonably comprehensive description of employee qualifications?	**Yes, Technical Amendments Needed**

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**

Comments:
The LVCS petition presents a reasonably comprehensive description of LVCS employee qualifications. The petition includes comprehensive position qualifications and responsibilities of the LVCS education director and financial director.

The CDE recommends a technical amendment to the charter petition to include more detailed position qualifications and responsibilities for teachers and non-instructional staff.

6. Health and Safety Procedures	***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**
Evaluation Criteria The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Yes; Technical Amendments Needed
Does the petition present a reasonably comprehensive description of health and safety procedures?	**Yes; Technical Amendments Needed**

Comments:
The LVCS petition presents a reasonably comprehensive description of health and safety procedures to be used at the school. LVCS has adopted and is implementing a comprehensive set of policies and procedures that will ensure the health and safety of staff. The petition specifically commits to the following statutory and regulatory requirements:

- LVCS employees, contractors, and volunteers will be required to submit to a criminal background check and furnish a criminal record summary prior to employment and/or any individual contact with pupils as required by *EC* sections 44237 and 45125.1.

- LVCS will require tuberculosis testing of all employees.

6. Health and Safety Procedures	*EC* Section 47605(b)(5)(F) 5 *CCR* Section 11967.5.1(f)(6)

- LVCS will adhere to all laws requiring immunizations for entering pupils to the same extent required for enrollment in non-charter public schools.

The CDE recommends a technical amendment to the petition to include provisions for the screening of pupil's hearing, vision, and for scoliosis.

7. Racial and Ethnic Balance	*EC* Section 47605(b)(5)(G) 5 *CCR* Section 11967.5.1(f)(7)

Evaluation Criteria

Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.

Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Yes; Technical Amendments Needed**

Comments:
The LVCS petition presents a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school that includes the following:

- An enrollment process and timeline that allows for a broad-based recruiting and application process
- Development of materials in languages other than English
- Service of Spanish speaking staff to facilitate communication

The CDE recommends a technical amendment to the charter petition to clarify that the outreach plan will be regularly reviewed and revised as necessary to ensure racial and ethnic balance.

8. Admission Requirements, If Applicable	*EC* Section 47605(b)(5)(H) 5 *CCR* Section 11967.5.1(f)(8)

8. Admission Requirements, If Applicable	***EC* Section 47605(b)(5)(H)** **5 *CCR* Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	**Yes; Technical Amendments Needed**
Comments: The LVCS petition presents a reasonably comprehensive description of admission requirements to be used at the school. LVCS commits to conducting a public random drawing if more applications are received than there is capacity. LVCS will give admission preference to pupils who reside within the former attendance area of Long Valley School, as required of conversion charter schools under *EC* Section 47605(d)(1). LVCS will also extend admission preference to siblings of existing pupils of the charter school, children of employees of the school, children on the wait list from the previous year and all other district residents. The CDE recommends a revision to the charter petition to clarify that district residents will have priority over non-district residents, including siblings of enrolled pupils.	

9. Annual Independent Financial Audits	***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	Yes
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.	Yes
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	Yes

9. Annual Independent Financial Audits	***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**Yes; Technical Amendments Needed**

Comments:
The LVCS petition presents a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted, however, technical amendments to the final charter will be required should the SBE approve the charter.

LVCS petitioners have agreed to make technical amendments to reflect SBE authorization that address:

- Resolution of any audit exceptions and deficiencies to the SBE's satisfaction
- Referral of disputes to the EAAP pursuant to *EC* Section 41344

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which pupils in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which pupils in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which pupils must or may be suspended or expelled in non-charter public schools.	Yes; Technical Amendments Needed
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to pupils attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for pupils, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in…regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which pupils are subject to suspension or expulsion.	Yes; Technical Amendments Needed
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**Yes; Technical Amendments Needed**

Comments:
The LVCS petition presents a reasonably comprehensive description of suspension and expulsion procedures to be used by the school. LVCS commits to comprehensive due process procedures for all pupils by utilizing the suspension and expulsion policy utilized by Fort Sage USD which directly follows EC Section 48900 *et seq*.

The CDE recommends technical amendments to the charter to update the policy in light of recent updates to *EC* Section 48900 *et seq*., to include a process for the suspension and expulsion of pupils with disabilities that aligns with state and federal legal requirements, and to provide an assurance that the policies and procedures surrounding suspension and/or expulsion will be amended periodically to meet the requirements of 5 *CCR* Section 11967.5.1(f)(10)(A). In addition, the preliminary list of offenses for which students may be suspended must be separate from the list of offenses for which students may be expelled.

11. CalSTRS, CalPERS, and Social Security Coverage	***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**

11. CalSTRS, CalPERS, and Social Security Coverage	***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**
Evaluation Criteria The manner by which staff members of the charter schools will be covered by the CalSTRS, the CalPERS, or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?	**Yes; Technical Amendments Needed**
Comments: The LVCS petition presents a reasonably comprehensive description of the retirement programs offered by the school. The CDE recommends a technical amendment to the charter to clarify the positions to be covered under each system and the LVCS staff responsible for ensuring that appropriate arrangements for retirement coverage have been made for all employees.	

12. Public School Attendance Alternatives	***EC* Section 47605(b)(5)(L)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any LEA (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes; Technical Amendments Needed**
Comments: The LVCS petition makes clear that pupils enrolled at LVCS have no right to admission in a particular school of any LEA as a consequence of enrollment at LVCS, except to the extent that such a right is extended by the LEA. The CDE recommends a technical amendment to the charter to clarify how this information will be communicated to parents.	

13. Post-employment Rights of Employees	***EC* Section 47605(b)(5)(M)** **5 *CCR* Section 11967.5.1(f)(13)**

13. Post-employment Rights of Employees	***EC* Section 47605(b)(5)(M)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Yes**
Comments: The LVCS petition presents a reasonably comprehensive description of the post-employment rights of LVCS employees, which are only as specified by the Fort Sage USD.	

14. Dispute Resolution Procedures	***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.	Yes; Technical Amendments Needed
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes

14. Dispute Resolution Procedures	***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**
(C) Recognize that, because it is not a LEA, the SBE may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	Yes; Technical Amendments Needed
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.	Yes; Technical Amendments Needed
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**Yes; Technical Amendments Needed**

Comments:
The dispute resolution procedures in the LVCS petition do not include all of the requirements necessary to reflect the SBE as an authorizer. Should the SBE approve the LVCS charter, the CDE will work with the petitioners to conform this section of the final LVCS charter to SBE requirements.

LVCS petitioners have agreed to make technical amendments to the dispute resolution procedures in the LVCS charter to reflect SBE authorization that address all SBE dispute resolution requirements for SBE-authorized charter schools

15. Exclusive Public School Employer	***EC* Section 47605(b)(5)(O)** **5 *CCR* Section 11967.5.1(f)(15)**

Evaluation Criteria

The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA) (Chapter 10.7 [commencing with Section 3540]) of Division 4 of Title 1 of the *Government Code* [*GC*]), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the EERA.

15. Exclusive Public School Employer	***EC* Section 47605(b)(5)(O)** **5 *CCR* Section 11967.5.1(f)(15)**
Does the petition include the necessary declaration?	**Yes**
Comments: The LVCS petition makes clear that LVCS shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the EERA. LVCS recognizes employee rights under EERA provisions to organize for collective bargaining.	

16. Closure Procedures	***EC* Section 47605(b)(5)(P)** **5 *CCR* Section 11967.5.1(f)(15)(g)**
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	**Yes**
Comments: The LVCS petition includes a comprehensive description of closure procedures pursuant to *EC* Section 47605(b)(5)(P) and 5 *CCR* sections 11962 and 11962.1.	

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

Standards, Assessments, and Parent Consultation	***EC* Section 47605(c)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes

Standards, Assessments, and Parent Consultation	***EC* Section 47605(c)** **5 *CCR* Section 11967.5.1(f)(3)**
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**
Comments: The petition states that LVCS will meet all statewide standards and conduct all required state mandated pupil assessments. The petition also includes a number of methods LVCS will use to consult regularly with parents and teachers regarding the school's educational programs including the inclusion of those stakeholders on the Board of Directors and Advisory Council.	

Employment is Voluntary	***EC* Section 47605(e)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**
Comments: The petition states that no public school district employee shall be required to work at LVCS.	

Pupil Attendance is Voluntary	***EC* Section 47605(f)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	
Does the petition meet this criterion?	**Yes**
Comments: The charter states that enrollment at LVCS is entirely voluntary on the part of the students.	

Effect on Authorizer and Financial Projections	***EC* Section 47605(g)** **5 *CCR* Section 11967.5.1(c)(3)(A–C)**

Effect on Authorizer and Financial Projections	***EC* Section 47605(g)** **5 *CCR* Section 11967.5.1(c)(3)(A–C)**
Evaluation Criteria …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:.	
• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.	Yes
• The manner in which administrative services of the school are to be provided.	Yes
• Potential civil liability effects, if any upon the school and the SBE.	Yes
The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation.	Yes
Does the petition provide the required information and financial projections?	**Yes**
Comments: Overall, it appears that the charter school's budget is balanced and meets recommended levels of reserves. Budgeted revenues and expenditures largely follow historical trends and appear to be conservative. Adjustments to expenditures appear to have been made to reflect the overall decrease in state funding, and cash flow has been adjusted to reflect state deferrals. The school appears to be sustainable though it will face economic challenges similar to other LEAs in the state.	

Academically Low Achieving Pupils	***EC* Section 47605(h)** **5 *CCR* Section 11967.5.1(f)(1)(F–G)**
Evaluation Criteria In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving.	
Does the petition merit preference by the SBE under this criterion?	**Yes**

Academically Low Achieving Pupils	***EC* Section 47605(h)** **5 *CCR* Section 11967.5.1(f)(1)(F–G)**
Comments: The LVCS petition merits preference by the SBE due to LVCS's rural location and the performance of the other schools in the Fort Sage USD in comparison to LVCS. LVCS was the only school in the Fort Sage USD to meet its 2009 AYP goals. In 2008, LVCS received a statewide decile ranking of 2 and a similar schools decile ranking of 4. The other schools in the Fort Sage USD received statewide rankings of either 1 or 2, but were too small to receive similar schools decile rankings. In addition, the LVCS independent study program serves students from ten surrounding districts, many of which academically underperform LVCS based on AYP and API data.	

Teacher Credentialing	***EC* Section 47605(l)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing (CCTC) certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.	
Does the petition meet this requirement?	**Yes**
Comments: The petition is clear that LVCS teachers will be credentialed as required by law.	

Transmission of Audit Report	***EC* Section 47605(m)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…, and the CDE by December 15 of each year.	
Does the petition address this requirement?	**Yes**
Comments: The LVCS petition commits to following the financial audit report transmission procedures contained in *EC* Section 47605(m).	

Addendum 1: Fort Sage Unified School District Reasons for Denial
On January 20, 2010 the Fort Sage USD Board, by a 5-0 vote, denied LVCS's charter renewal petition. That decision was based upon "Resolution No. 10-07 Factual Findings and Order in the Matter of the Long Valley Charter School Renewal Petition" (the "Resolution"). The District made the following findings to support the denial of the charter renewal: 1. Unsound Educational Program 2. Demonstrably Unlikely to Succeed 3. Lack of Reasonably Comprehensive Descriptions of various elements required by *EC* Section 47605(b)(5). The District made specific factual findings to support the findings listed above. These factual findings along with the LVCS response follow: **Finding 1. A.(1): Unsound Educational Program; Physical Harm to Pupils** 1. LVCS presents an unsound educational program for the pupils to be enrolled in the charter school. (*EC* Section 47605(b)(1).) A. Pursuant to 5 *CCR*, Section 11967.5.1(b)(2), a program shall be "unsound" if it involves activities that the SBE determines would present the likelihood of physical harm to the affected pupils. (1) LVCS has taken actions which have presented the likelihood of physical harm to affected pupils. Specifically: (a) In 2006, LVCS placed two (2) portable structures on its campus without the authorization of the District of the Division of the State Architect. The placement of portable structures, which where not authorized as being up to building and safety codes, presented the possibility of physical harm to pupils. (b) In 2006, there was a propane leak on the LVCS campus which was not reported or handled properly. *(See Attachment A.)* The mishandling of the propane leak presented the possibility of physical harm to pupils. **LVCS Response:** In the Resolution, the District did not set forth all of the relevant facts regarding LVCS's addition of two portable buildings on its campus in 2006. Pamela Auld, the LVCS Director, wrote a letter to the then-District Superintendent and Board on July 13, 2006 seeking District approval to place portable buildings on the LVCS site. On August 16, 2006, District legal counsel ordered the removal

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of the portable buildings until an agreement between the parties as to the portables could be reached. The Charter School subsequently appealed to the District Board to keep the portables on the campus. Despite a public records request for the minutes of this District Board meeting, the Charter School has been unable to obtain a copy of the minutes. The District did not ultimately object to the addition of portable buildings. Further, LVCS obtained a clear inspection of the portables by the Division of the State Architect. Had the District genuinely been concerned about the physical safety of Charter School students, the appropriate action would have been to issue a Notice to Cure and Correct to LVCS, pursuant to the requirements of *EC* Section 47607, demanding that the Charter School cure any alleged threat to students' physical safety. Four years later, though, the District knows, based on the Charter School's documentation and its own Board approval of the portables that LVCS did follow proper processes in 2006 and students are not in any harm from the portable buildings that have existed without District argument for four years. As this is not a live issue, it is not an appropriate factual basis for denial of the charter renewal petition. With regard to the propane leak on the LVCS campus in 2006, we note that (as documented in the District's own documentation, included as Attachment A to the Resolution for denial of the charter) the leak took place during the summer months in 2006 when no student was on campus or would have gone to campus. The District also documented the successful clean-up and repair of the leak. The leak was quickly discovered, properly cleaned up and repaired, and tests afterwards showed no evidence of propane on the Charter School's grounds. As with its finding about the addition of portables in 2006, the District here relies on a past issue, already appropriately fixed, and not a live controversy which provides a factual basis for the denial of the charter renewal petition. This is an impermissible basis for denial. LVCS counters that the District Board's discussion during its consideration of the charter did not relate in anyway to the LVCS charter, its educational quality, comprehensiveness, or any other basis allowed by law. Board members focused instead on fiscal impact of the charter on the District. The District subsequently approved its own charter without independent governance or finance which replicates LVCS so much that it has used language from the LVCS charter. The District's denial appears to be a disingenuous play for District financial purposes. **CDE response:** LVCS has presented evidence that the issues regarding the portables and the propane leak were resolved in a timely manner to the satisfaction of Fort Sage USD. Fort Sage USD does not present any evidence that there is any current likelihood of physical harm to students.

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Finding 2. A.: Demonstrably Unlikely to Succeed; Unrealistic Financial Plan 2. The Renewal Petitioners are demonstrably unlikely to successfully implement the program set forth in the Renewal Petition. (*EC* Section 47605(b)(2).) A. Pursuant to 5 *CCR* Section 11967.5.1(c)(3), a factor in determining if a program is "demonstrably unlikely to succeed" is if petitioners have presented unrealistic financial/operational plans. (1) During its first two (2) years of operation the Long Valley Charter School overstated its Average Daily Attendance (ADA). As a result, at one point the Long Valley Charter School owed the State over $1,000,000.00. (2) The Long Valley Charter School currently owes the State approximately $315,000.00 as a result of is overstatement of ADA during its first two years of operation. **LVCS Response:** The District here finds that the Charter School presented an unrealistic financial plan because (1) ten years ago, LVCS incorrectly reported average daily attendance ("ADA"); and (2) LVCS is currently making payments to the State as a result of its audit finding from the incorrectly reported ADA. The Charter School does not dispute that it made attendance accounting errors in its first two years of operation. What the District neglects to acknowledge, however, is that LVCS negotiated a settlement of the audit finding with the State Controller and Department of Finance for an eight-year repayment plan. The Charter School has three years remaining in that repayment plan; it has made timely payments for five years and has budgeted for the remaining three years' payments. With demonstrated past performance of payments and a budget reserve in excess of $260,000 (far exceeding state expectations for budget reserves), the District cannot seriously doubt the stability and realistic nature of the Charter School's financial plans. Surprisingly, the District reached into the Charter School's initial term, before its current term, to make this finding (meaning that the District has granted a renewal based upon these same facts five years ago). Accordingly, the finding is not an appropriate factual basis for denial of the charter petition. **CDE response:** LVCS presents a realistic budget that includes the repayment plan resulting from the ADA miscalculation. **Finding 3. A.: Not Reasonably Comprehensive; API**

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3. The Renewal Petition does not contain reasonably comprehensive descriptions of the measurable student outcomes as required by *EC* Section 47605(b)(5)(B). A. Pursuant to 5 *CCR* Section 11967.5.1(f)(2)(B), at a minimum, a petition must include the school's API growth target. (1) The Renewal Petition does not include an API growth target. **LVCS Response:** *EC* Section 47605(b)(5)(B) requires charter petitions to include the measurable pupil outcomes identified for use by the charter school, and *EC* Section 47605(b)(5)(C) requires charter petitions to include the method by which pupil progress in meeting those outcomes is measured. The LVCS charter contains reasonably comprehensive descriptions of these requirements on pages 16-19. While the charter does not include an API growth target, it does state that LVCS regularly shares the results of the API with parents, and on page 6, it correctly states the API for the current charter term. The State determines the LVCS growth target each year and thus, it would not be necessary to include the same in the charter in order to measure LVCS' success against this measure. Accordingly, the LVCS charter contains the legally required, reasonably comprehensive, description of pupil outcomes and how they are measured. Thus, the District's finding is not factually based and cannot serve as a basis for denial of the renewal petition. **CDE response:** The LVCS petition refers to API results throughout the petition. Including a specific API growth target as a technical amendment to the petition would not be considered a material revision to the charter petition and would not be cause for denial. **Finding 4. A.-B.: Not Reasonably Comprehensive; Evidence of Incorporation** 4. The Renewal Petition does not contain a reasonably comprehensive description of the governance structure of the school as required by *EC* Section 47605(b)(5)(D). A. Pursuant to 5 *CCR* Section 11967.5.1(f)(4)(A), at a minimum, a petition must include evidence of the charter school's incorporation as a non-profit public benefit corporation. (1) The Renewal Petition did not include evidence of the school's incorporation as a non-profit public benefit corporation. B. Pursuant to 5 *CCR* Section 11967.5.1(f)(4)(B), at a minimum, a petition must include evidence of the organizational and technical designs of the governance structure that reflect a seriousness of purpose necessary to ensure that 1) the charter school will become

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and remain a viable enterprise; 2) there will be active and effective representation of interested parties, including but not limited to parents (guardians); and 3) the educational program will be successful. (1) The Renewal Petition indicated that the Long Valley Charter School is governed pursuant to the bylaws adopted by the incorporators; however, no such bylaws were included with the renewal petition at the time of its submission. **LVCS Response:** The District submits that the LVCS charter renewal petition does not describe, in a reasonably comprehensive manner, the Charter School's governance structure because the LVCS Articles of Incorporation and bylaws were not attached to the charter renewal submission. However, both the Articles of Incorporation and the bylaws were submitted to the District on January 15, 2010 by a Charter School staff member. Furthermore, the District had constructive notice of the evidence of LVCS's incorporation and bylaws by virtue of the initial charter petition and the first charter renewal petition, both of which attached both governance documents. If the District misplaced these documents, the Charter School would have gladly re-supplied copies. Finally, a simple search on the Secretary of State's website (http://www.sos.ca.gov/business/be/) would have revealed that Long Valley Charter School was established as a corporation on July 27, 2000 and its business entity number is C2257627. The District is well aware of the Charter School's ten-year history of incorporation. This finding has no factual basis and cannot serve as a basis for denial of the charter petition. **CDE response:** LVCS has been in operation under the oversight of the Fort Sage USD for ten years, demonstrating that the charter school is a "viable enterprise." The missing documentation cited by Fort Sage USD could have been included as a technical amendment to the charter petition. **Finding 5. A.-B.: Not Reasonably Comprehensive; Employee Qualifications** 5. The Renewal Petition does not contain a reasonably comprehensive description of the qualifications to be met by individuals to be employed by the school as required by *EC* Section 47605(b)(5)(E). A. The Renewal Petition does not describe the process to be used to inspect and verify teaching credentials.

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B. The Renewal Petition does not describe how it will verify that teachers are “highly qualified” as required by the federal No Child Left Behind (NCLB) Act of 2001. **LVCS Response:** *EC* Section 47605(b)(5)(E) states that a charter petition must describe the qualifications to be met by the employees of the charter school. On page 23 of its charter renewal petition, LVCS describes the qualifications that its employees must meet. Fort Sage USD does not appear to dispute that the LVCS described the qualifications to be met by its employees. Instead, Fort Sage USD makes a factual finding based on requirements not contained in law. LVCS does engage in a thorough inspection of teaching credentials for all certificated employees. LVCS requires all certificated staff to record their credentials with the county. It is the understanding of LVCS that the county both reviews and maintains these records. Additionally, LVCS maintains a copy of all credentials on site in each employee’s personnel file. Accordingly, this finding is not a permissible basis for denial of the charter renewal petition. **CDE response:** There is no legal requirement that a charter petition include a process for inspecting and verifying teacher credentials; therefore, this cannot be a finding for denial of a charter petition. The charter petition affirms that it will comply with all applicable portions of NCLB (page 4). **Finding 6. A. (1)-(2): Not Reasonably Comprehensive; Health and Safety** 6. The Renewal Petition does not contain a reasonably comprehensive description of the procedures the school will follow to ensure the health and safety of pupils and staff as required by *EC* Section 47605(b)(5)(F). A. Pursuant to 5 *CCR* Section 11967.5.1(f)(6)(A), at a minimum, a petition must include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406. (1) Although the Renewal Petition states that the Long Valley Charter School has adopted a policy requiring tuberculosis testing for employees, no such policy was submitted with the Renewal Petition. (2) The Renewal Petition contains no description of the procedures for faculty and staff tuberculosis examinations.

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LVCS Response: A copy of LVCS's policy requiring tuberculosis testing for employees is included in the Personnel Policy, which has been on file for years at the Charter School. The tuberculosis policy contains a requirement that faculty and staff must receive tuberculosis examinations before the first day of employment. The LVCS tuberculosis plan is also on record at the Lassen County Office of Education. A Lassen County Office of Education school nurse annually reviews the Charter School's tuberculosis records. The Charter School's records are available for the District's review at any time. The current LVCS charter renewal petition is the Charter School's third charter petition submitted to the District. Each iteration of the charter contains a list, substantially similar, if not identical, to that in the second charter renewal petition, of the health and safety policies that have been implemented. The District did not take issue with this method during its first two approvals of the LVCS charter. By maintaining the list contained in the charter and submitting the policy as a separate attachment, the Charter School was following the ordinary course of business between the parties. The District's finding is not a legally permissible basis for denial of the charter renewal petition. **CDE response:** The LVCS petition includes affirmation that employees will be tested for tuberculosis. It is not required by law that a description of the testing process be included in the charter. The Fort Sage USD finding does not present reasonable grounds for denial. **Finding 6. B.: Not Reasonably Comprehensive; Health and Safety** 6. B. Although the Renewal Petition indicates that each employee and contractor of the charter school must submit to a criminal background check and furnish a criminal record summary, the Renewal Petition does not contain a reasonably comprehensive description of the method for conducting criminal background checks on employee candidates, (as required by *EC* sections 44830.1 and 45122.1) to ensure that the charter school does not hire any person who has been convicted of a violent or serious felony. No policy regarding criminal background checks was submitted with the Renewal Petition. **LVCS Response:** The LVCS policy on criminal background checks for all prospective employees is contained in the Personnel Policy, which has been on file for years at the Charter School. LVCS also has a policy on Criminal Record Information, which is on file at the Charter School. The Charter School's records are available for the District's review at any time. Accordingly, this finding is not a factual basis for denial of

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the charter renewal petition. **CDE response:** As with the finding regarding tuberculosis testing, the LVCS charter affirms that appropriate criminal background checks for employees will be conducted. It is not required by law that the charter include the details of such a policy, and the absence of such a policy is not a reasonable ground for denial. **Finding 6. C.: Not Reasonably Comprehensive; Health and Safety** 6. C. The Petition does not include a reasonably comprehensive description of the requirement of a health check for all employees. No policy regarding employee health checks was submitted with the Renewal Petition. **LVCS Response:** No law or regulation applicable to charter schools requires a “health check” for all employees. As above, LVCS requires employees to have a tuberculosis screening before they begin employment. As per the charter renewal petition submitted to the District, the Charter School also requires employees to document immunizations as required for public schools. Accordingly, this finding is not a factual basis for denial of the charter renewal petition. **CDE response:** “Health checks” for employees are not a requirement of any public school. **Finding 6. D.: Not Reasonably Comprehensive; Health and Safety** 6. D. The Petition does not include a reasonably comprehensive description of how the Long Valley Charter School will assure that the charter school’s facilities meet state and local building codes (including but not limited to the requirements of the Americans with Disabilities Act (ADA)). No policy regarding compliance with building codes was submitted with the Renewal Petition. **LVCS Response:** *EC* Section 47605(g) requires charter petitions to describe the facilities to be used by the school, including where the school intends to locate. The LVCS charter renewal petition provides a reasonably comprehensive description of these legal requirements. Nevertheless, as LVCS is using District property to operate its program, it has consistently maintained contact with the District regarding any facilities issues that may have arisen. Accordingly, this finding is not a factual basis for denial of the charter renewal petition. **CDE response:**

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LVCS has been operating on a site owned by Fort Sage USD since the LVCS conversion and submitted the renewal petition in good faith that it would remain at this site. Any issues regarding building codes could be resolved in a memorandum of understanding between LVCS and Fort Sage USD concerning the use of the district facility. **Finding 6. E.: Not Reasonably Comprehensive; Health and Safety** 6. E. In 2006, the Long Valley Charter School placed two (2) portable structures on its campus without the authorization of the District or the Division of the State architect. The placement of portable structures which where [*sic.*] not authorized as being up to building and safety codes presented the possibility of physical harm to pupils. This incident tends to indicate that the Long Valley Charter School will not ensure that the charter school's facilities meet state and local building codes. **LVCS Response:** We addressed the District's concern regarding the addition of portables to the LVCS campus in 2006 in response to Finding 1. A. (1) (a) above. The District here extrapolates a single incident, which was demonstrably and sufficiently addressed and laid to rest four years ago, into a speculative finding regarding facility safety. The District does this despite LVCS's ten years of otherwise safe operation. The District's finding does not properly form a factual basis for denial of the charter renewal petition. **CDE response:** The Fort Sage USD finding regarding the portables is addressed in Finding 1A (page 29 of this report). **Finding 6. F.: Not Reasonably Comprehensive; Health and Safety** 6. F. The Renewal Petition does not contain a reasonably comprehensive description of the Long Valley Charter School's safety and disaster plan. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures for responding to emergencies and natural disasters, no such policies and procedures were submitted with the Renewal Petition. **LVCS Response:** The LVCS safety and disaster policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School's records are available for the District's review at any time. Accordingly, this finding is not a factual basis for denial of the charter renewal petition. **CDE response:**

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The petition states that the health, safety, and risk management policies are attached to the petition as Attachment B. There is no such attachment to the petition. This omission appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment. **Finding 6. G.: Not Reasonably Comprehensive; Health and Safety** 6. G. In 2006, there was a propane leak on the Long Valley Charter School campus which was not reported or handled properly. (See Attachment A). This incident tends to indicate the Long Valley Charter School might not respond appropriately to a safety emergency. **LVCS Response:** We addressed the District's concern regarding the propane leak on the LVCS campus in 2006 in response to Finding 1. A. (1) (b) above. The District here extrapolates a single incident, which was demonstrably and sufficiently addressed and laid to rest four years ago, into a speculative finding regarding facility safety. The District does this despite LVCS's ten years of otherwise safe operation. The District's finding does not properly form a factual basis for denial of the charter renewal petition. **CDE response:** The Fort Sage USD finding regarding the propane leak is addressed in Finding 1A (page 29 of this report). **Finding 6. H.: Not Reasonably Comprehensive; Health and Safety** 6. H. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws regarding food and safety and environmental protection. **LVCS Response:** No law or regulation applicable to charter schools requires a description of food safety and environmental protection within the charter. In fact, charter schools are not required to have food service programs. Further, the District has never given LVCS any indication that it expected the Charter School to have a food safety and environmental protection plan. If the District were concerned about food safety and environmental protection at the Charter School, it could have issued a Notice to Cure and Correct pursuant to *EC* Section 47607. Regardless, LVCS follows SafeServ, established by the National Restaurant Association Foundation, for food safety, and the Charter School is inspected twice annually by the Lassen County Health Department. The Charter School has passed each inspection. (Attached as Exhibit E, please find LVCS's permit to operate a school cafeteria, issued by the Lassen County Environmental Health Services Department, and the four most recent inspection reports.) Accordingly, this finding is not a factual basis for denial of the

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charter renewal petition. **CDE response:** Charter law does not require petitioners to include provisions for food and safety or environmental protection. Furthermore, Fort Sage USD presents no documented instances of problems in this area. This finding is not a basis for denial. **Finding 6. I.: Not Reasonably Comprehensive; Health and Safety** 6. I. The Renewal Petition does not contain a reasonably comprehensive description of efforts to comply with state and federal laws designed to protect children, including but not limited to the proper administration of medication and drugs to students in schools and the reporting of child abuse. Although the Renewal Petition indicates that the Long Valley Charter School has adopted policies and procedures regarding administration of medication to students and reporting child abuse and neglect, no such policies and procedures were submitted with the Renewal Petition. **LVCS Response:** LVCS annually distributes to parents a Physician's Recommendation for Medication form which addresses the proper administration of medication to students in schools. This document has been on file for years at the Charter School. The Charter School's records are available for the District's review at any time. The Charter School's child abuse reporting policy is contained in the Guide for Handling Critical Incidents, which has been on file for years at the Charter School. The Charter School's records are available for the District's review at any time. Accordingly, this finding is not a factual basis for denial of the charter renewal petition. **CDE response:** The LVCS petition includes affirmations that its health and safety procedures are described in Attachment B. As discussed previously, the omission of Attachment B appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment. Furthermore, there is no requirement in charter law that a petition include procedures for administering medications to students, and the petition does affirm that a policy regarding the reporting of child abuse is contained in Attachment B. **Finding 7. A.: Not Reasonably Comprehensive; Public Random Drawing** 7. The Renewal Petition does not contain a reasonably comprehensive description of the admissions requirements as required by

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Education Code Section 47605(b)(5)(H). The Renewal Petition does not contain a reasonably comprehensive description of the method to be used to conduct a random drawing for admission if more students wish to attend than space permits. **LVCS Response:** *EC* Section 47605(b)(5)(H) requires charter petitions to describe admissions requirements, if they have any. The District does not dispute that LVCS comprehensively described its admissions requirements. Instead, the District finds that the Charter School did not properly describe the method it uses to conduct a public random drawing in the event that more students wish to attend than space permits. This finding is not a permissible basis to deny the charter renewal petition. Nevertheless, LVCS does describe, in the charter renewal petition, its process for holding a public random drawing in a manner consistent with *EC* Section 47605(d). **CDE response:** Clarification of the public random drawing procedures could be included as a technical amendment to the petition. **Finding 8. A.: Not Reasonably Comprehensive; Pupil Suspension and Expulsion** 8. The Renewal Petition does not contain a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled as required by *EC* Section 47605(b)(5)(J). Although the Renewal Petition states that the Long Valley Charter School has developed student discipline policies, no such policies or procedures by which pupils may be suspended or expelled were submitted with the Petition **LVCS Response:** The LVCS policy on student suspension and expulsion is contained in the Suspension and Expulsion/Due Process administrative regulations, which were submitted to the District on January 15, 2010. Accordingly, this finding is not a factual basis for denial of the charter renewal petition. **CDE response:** The petition states that the suspension and expulsion policies are attached to the petition as Attachment E. There is no such

Addendum 1: Fort Sage Unified School District Reasons for Denial
attachment to the petition. This omission appears to be a technical issue and could be resolved by requesting LVCS to submit the attachment. **Finding 9. A.: Required Signatures** 9. The Renewal Petition does not contain the number of signatures required by subdivision (a) of *EC* Section 47605. (Education Code Section 47605(b)(3).) A. Pursuant to 5 *CCR* Section 11967.5.1(d), a charter petition that "does not contain the number of signatures required by subdivision (a)" of Education Code Section 47605 shall be a petition that did not contain the requisite number of signatures *at the time of its submission* to a school district pursuant to Education Code Section 47605(a). *(Emphasis added.)* (1) The Renewal Petition did not contain any of the signatures required by *EC* Section 47605(a) at the time of its submission. **LVCS Response:** In preparing its charter renewal petition, LVCS was not aware that the District desired that signatures be submitted along with the renewal charter. Authorizers, including school districts and counties up and down the state, as well as the State Board of Education, do not require signatures for a charter renewal because the signature requirement at renewal, which could be met be current teachers in charter schools, amounts to nothing more than an affirmation that current teachers would like to keep their jobs for another five years. At renewal, teachers and/or parents are not petitioning to create something new, only to maintain the charter school in existence. Furthermore, *EC* Section 47605(a)(1)(A)-(B) makes plain that signatures collected from parents and teachers are from those who are meaningfully interested in enrolling their child, or working for, the charter school during its first year of operation. The 2010–11 school year will be LVCS's eleventh year of operation. The Charter School thus believed signatures were not required for its charter renewal petition. The Charter School regrets not meeting with the District prior to submission of the renewal petition to ascertain the District's expectations for the renewal charter submission. Nevertheless, the lack of signatures for renewal is an impermissible basis for denial of the charter renewal petition. **CDE response:** Signatures are typically not required by authorizers at the time of renewal. There is no indication that Fort Sage USD changed its policy

Addendum 1: Fort Sage Unified School District Reasons for Denial
regarding signatures since the last time it renewed LVCS. If Fort Sage USD now requires such signatures from at least half of the LVCS teaching staff, it seems reasonable that LVCS could provide such signatures quickly.

Addendum 2: Lassen County Board of Education Reasons for Denial
On March 29, 2010, the Lassen County Board of Education (Lassen CBE) adopted findings of fact contained in “Resolution 10-07” in support of its denial of the LVCS petition. Resolution 10-07 identified the following “specific findings” against the LVCS petition: 1. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. 2. The charter presents an unsound educational program for the pupils to be enrolled in the charter school. 3. The petition does not contain reasonably comprehensive descriptions of many of the required elements of a charter. Resolution 10-07 also identified the following “factual findings,” in support of its “specific findings,” listed above. A summary of the “factual findings” and the petitioner’s responses (where provided) are provided below: **Finding 1(a):** The petition does not discuss the proposed curriculum in detail, beyond providing a list of textbooks, does not cite research or data to support the educational program, and does not provide a “day in the life” of either the site-based or the independent study program. **LVCS Response:** Before responding to each of the findings adopted by the Lassen CBE in Resolution 10-07, LVCS believes it is important to point out that Resolution 10-07 was not substantively discussed, addressed, or considered by the Lassen CBE prior to its adoption on March 29, 2010. It was provided to LVCS only hours before the Lassen CBE meeting. In fact, there was no evidence at the Lassen CBE meeting that any member of the Board had reviewed Resolution 10-07. After the Board President called the meeting to order, Superintendent Jensen gave his report regarding the renewal appeal of LVCS. He never once addressed the resolution for denial. Instead, he articulated what appeared to be a County policy never to approve a charter school. He stated that he did not want the County to be accused (should it approve LVCS) later of expressing favoritism to LVCS, in the event it proceeded against another charter school in its jurisdiction. The Superintendent did not want the County to be seen as engaging in competition with its school districts and other charter schools by "taking away students during declining enrollment." He did state that the County was not trying to say that LVCS is not a good charter school. Rather it was his recommendation that the charter school be approved by a different authorizer. In fact, he praised LVCS's success. Finally, the Superintendent said that it did not matter what charter or charter school was before the County, he would recommend denial.

Addendum 2: Lassen County Board of Education Reasons for Denial
The Lassen CBE allowed public comment. Both Mike Yancey, the LVCS Education Director, and LVCS legal counsel addressed the Superintendent's statement, pointing out that his recommendation was not based on any lawful reasons for denial. Many LVCS parents and teachers also passionately addressed the Board. Subsequently, the Board President offered his opinion that the County was not a "symbiotic fit" as the authorizer, and that the charter school would be better off authorized by a different district. After public comment closed, the Board voted 5-0 to approve the Resolution for denial without any discussion of the Resolution whatsoever. As to the above-listed finding, nothing in the law requires that the charter include a "day in the life." The LVCS charter is typical of older charters, which traditionally were shorter than charters submitted today. With that amount of detail, LVCS was approved and subsequently renewed. However, in preparation for this renewal, LVCS did include additional detail within the educational program section. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS. **CDE Response:** Based on the academic performance of LVCS, the petitioners have demonstrated that they have implemented a sound educational program that outperforms surrounding schools. Additional clarifying detail about that program could be included in a technical amendment to the charter petition. **Finding 1(b):** The petition does not explain how independent study students interface with staff, what resources are available to independent-study students (including, for instance, how the school will make technological resources available to independent study students), and how their work is assessed. **LVCS Response:** Nothing in the law requires the amount of detail described above. However, as LVCS has offered its independent study program without any audit exceptions since 2001-2002, the Charter School clearly is meeting all legal requirements. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS. **CDE Response:** See CDE Response to Finding 1(a). **Finding 1(c):** The petition states that "multi-age setting" will be provided (page 9) but does not explain when and how this will occur as

Addendum 2: Lassen County Board of Education Reasons for Denial
part of the education program. **LVCS Response:** The LVCS charter explains that a multi-age setting is utilized in the site based program. However, no further information is required in order for the charter to be deemed to be reasonably comprehensive. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS. **CDE Response:** See CDE Response to Finding 1(a). **Finding 1(d):** The petition states that all students will have an “opportunity to develop a Student Goal Plan (SGP)” (Page 10), but does not explain whether this is required of all students. The petition also does not explain whether this is required of all students. The petition also does not sufficiently explain the purpose of Student Goal plans and how a student’s achievement of goals stated in such a plan is related to achievement at the grade level. **LVCS Response:** The LVCS utilizes the SGP as a means to measure student growth in state standards. It is described in the Educational Program and Methods of Measurement sections of the charter. LVCS maintains that these sections are reasonably comprehensive. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS. **CDE Response:** See CDE Response to Finding 1(a). **Finding 2(a):** According to the petition, “Several of our high school students enter colleges and universities upon graduation each year.” (Page 6.) “Several” college attendees is not a high standards for achievement. **LVCS Response:** That statement was not intended to set a standard for success; it was not provided as an outcome or even a goal; it was just a generalized statement as to the success of LVCS students to date post-graduation.

Addendum 2: Lassen County Board of Education Reasons for Denial
CDE Response: There is no legal requirement that a charter petition contain information regarding college-going rates. The statement provided by LVCS regarding college attendance of students does not provide a legal grounds for denial. **Finding 2(b):** On page 11, the petition states that some of LVCS's classes have been accepted as meeting the UC/CSU "a-g" requirements. However, the petition does not set forth any plan to increase college attendance or to provide courses that are readily accepted as meeting the "a-g" requirements. It therefore appears that LVCS is insufficiently focused on college-readiness for its students. **LVCS Response:** LVCS continues to increase its course offerings which meet the "a-g" requirements, but is unaware of any legal requirement to include information in the charter about the plan to do so. Again, given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS. **CDE Response:** There is no legal requirement that a charter petition focus on college readiness or provide "a-g" requirements. While these are good practices, the absence of such details does not provide a legal grounds for denial. LVCS has demonstrated significantly higher rates of proficiency in mathematics and English-language arts than the surrounding schools according to AYP data. One can conclude that these significantly higher rates of proficiency indicate that LVCS students are more prepared for college than their peers attending the other public schools in the area. **Finding 2(c):** While the petition states that LVCS has met certain performance targets (page 6), the petition does not lay out information to demonstrate that LVCS's performance meets the criteria of *EC* Section 47607, subdivision (b), which states that a charter petition may not be renewed unless the charter school has met at least one of several; criteria regarding academic achievement. **LVCS Response:** This finding is without merit because, while *EC* 47607(b) does set forth criteria for charter schools to meet prior to renewal, the Section does not require a charter school to describe meeting the criteria in the charter petition itself. **CDE Response:**

Addendum 2: Lassen County Board of Education Reasons for Denial
The CDE concurs with LVCS regarding this finding. **Finding 3:** The petition presents an unsound educational program for the pupils to be enrolled in LVCS, in that the petition does not explain the educational program to be provided to low-achieving students and English learners. The petition details how low-achieving students are assessed (page 11), but provides almost no information on how such students are supported. Likewise, the petition explains the assessment of English learners but does not lay out strategies to support such students in school (page 12). **LVCS Response:** This finding is false; strategies for both low achieving students and English Learners are included within the charter. Given the success of LVCS in comparison to the other schools of the District, LVCS maintains that the Lassen CBE should have requested any information that it believed technically necessary for it to approve the charter instead of depriving its residents of the opportunity provided by LVCS. **CDE Response:** The LVCS contains reasonably comprehensive descriptions of its programs for low-achieving students and EL students. **Finding 4:** The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth a procedure for amending the charter petition that is unlawful. The petition states that unless the Board "vetoes" a proposed "solution" (i.e., a material amendment to the charter petition), the "solution" will become a part of the charter (page 20). This procedure does not comply with *EC* Section 47607, subdivision (a)(2), which requires that material revisions to charter petitions be submitted to the chartering authority in the same manner as set forth in *EC* Section 47605, and subject to the affirmative approval of the chartering authority. **LVCS Response:** This language was not intended to replace the right of the Authorizer to approve material revisions to the charter in accordance with *EC* Section 47607. The charter does not specifically state that material revisions will be handled in the manner described by the Lassen CBE's findings, rather the Lassen CBE has extrapolated this concern from the charter language. Additionally, the Lassen CBE's findings ignore the remaining provisions of that paragraph within the charter that include the submission of the "solution" to the Fort Sage Unified School District (the Authorizer) for consideration and inclusion on its agenda. LVCS would be glad to clarify that paragraph in the charter to assure the Authorizer that it understands and agrees that material revisions must be approved by the Authorizer in accordance with *EC* Section 47607.

Addendum 2: Lassen County Board of Education Reasons for Denial
CDE Response: In the LVCS petition, the process described by the Lassen CBE regarding solutions to problems does not mention material revisions. Clarification about the problem and solution procedures could be addressed in a technical amendment to the charter petition. **Finding 5:** The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth inadequate information regarding the proposed facilities to be utilized by LVCS. The petition currently states that LVCS will continue to occupy the facility provided to LVCS by the District (page 39), but it is the Board's understanding that LVCS has not filed a request for facilities with the District for the 2010-2011 school year, which means that the District is under no obligation to provide LVCS with facilities even if the Board grants this petition. Therefore, LVCS has articulated no reasonable plan for its facilities needs next year, as required by *EC* Section 47605, subdivision (g). Likewise, LVCS's budget does not contain provision for facilities costs beyond the 3 percent of its revenue currently being paid to the District in lieu of a facilities charge. **LVCS Response:** As the District has provided facilities for LVCS for the term of its charter through a mutually agreed upon Memorandum of Understanding ("MOU") and in exchange for increased oversight fees as allowed by EC Section 47613, LVCS has not had to resort to Proposition 39 for facilities. Thus, the charter and the budget documents submitted to the District reflected that long-term agreement. After denying the LVCS renewal without a legally valid basis, the District created its own charter, borrowing provisions from the LVCS charter, to be governed by the District and notified LVCS of its intent to utilize the facilities that had each and every year prior been utilized by LVCS. If this appeal is approved, LVCS will explore all legal options available to maintain its facility in its prior location. If it is not possible, LVCS will find another facility and has already begun to identify options and has been offered local financing for the purchase of a facility. LVCS will update the assumptions in its budget accordingly. **CDE Response:** LVCS submitted its petition to Fort Sage USD in good faith that the district and the school would continue in its facilities agreement as it had over the previous ten years. If that agreement is no longer in place, an authorizer could request an updated budget that includes revised facilities costs. **Finding 6:** The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition, in that the petition sets forth inadequate information regarding how administrative services will be provided to LVCS. The petition currently states that LVCS will receive administrative services from the District, but this appears unlikely given District's denial of the petition. The county office does not have the capability to provide the services that LVCS currently receives from the District. Therefore, LVCS has

Addendum 2: Lassen County Board of Education Reasons for Denial
articulated no reasonable plan for its administrative services needs, as required by *EC* Section 47605, subdivision (g). **LVCS Response:** The petition states that LVCS "will do its own accounting and be its own fiscal agent and may contract for management, educational and other services." It further states "any services provide by the District to the Charter School shall contracted on a fee for services basis, to be addressed in a memorandum of understanding" It is not clear how Lassen CBE reviewed these sentences and concluded that LVCS will receive administrative services from the District, and thus as the District has not renewed the charter, LVCS is therefore demonstrably unlikely to succeed. LVCS will proceed as promised in its charter to take care of its own administrative services internally and through contractors as necessary. It has no need to contract with the District for any such services. **CDE Response:** The CDE concurs with LVCS's response to this finding. **Finding 7:** The petition does not contain the number of signatures required by *EC* Section 47605, subdivision (a), in that the petition is not supported by any signatures. Despite the fact that this issue was identified by the District's denial of the charter petition, petitioners apparently declined to collect the necessary signatures to support their appeal to the Board. **LVCS Response:** This finding is without merit because signatures are not required for charter renewal petitions. The Education Code contemplates signatures for establishing a charter school, not for renewing an existing charter. The State Board of Education has not traditionally required signatures on the charter renewal petitions it receives and reviews. If you think about this requirement, which mandates parent signatures or signatures from 50 percent of the teachers who are meaningfully interested in teaching at the charter school in its first year of operation, logically, it becomes meaningless as a gauge of teacher interest. Naturally, all teachers at the charter school would sign the petition – they would want to keep their jobs for five more years! **CDE Response:** Signatures are typically not required by authorizers at the time of renewal. If Lassen CBE requires such signatures from at least half of the LVCS teaching staff, it seems reasonable that LVCS could provide such signatures quickly. **Finding 8:** The petition does not contain a reasonably comprehensive description of the health and safety policies of the school as required by Education Code Section 47605, subdivision (b)(5)(F), in that the information provided in the charter petition regarding LVCS's health and safety policies is confusing and disorganized. For instance, the list set forth on page 23 states that the school has a

Addendum 2: Lassen County Board of Education Reasons for Denial

drug, alcohol and tobacco free workplace, but then states, “I cannot find this policy as a Board policy. It is in our Employee handbook.” Similarly, the list asserts that the school has a policy relating to the administration of medication in school, but immediately thereafter states: “We have a procedure but not a Board Policy.” The petition therefore provides insufficient information for the Board to determine what health and safety policies are actually in effect at LVCS.

LVCS Response:
LVCS maintains its health and safety policies and procedures on site. It regrets that the version of the charter submitted, unintentionally, included earlier statements by staff that are dialoguing internally to ensure that the appropriate policies and/or procedures as described in the charter are in place. Again, LVCS believes it is unfortunate that Lassen CBE did not provide LVCS the opportunity to clarify what was clearly a typographical error in the health and safety section of the charter as it easily could have done so.

CDE Response:
The omission of the attachments to the LVCS petition appears to be an oversight. There is no indication that the petitioners were unwilling or unable to provide the attachments upon request.

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MARCH 30, 2010

VIA: HAND DELIVERY

Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

Re: Long Valley Charter School Charter Petition Appeal to the State Board of Education

To Whom It May Concern:

This office serves as legal counsel for Long Valley Charter School (the "Charter School") in its charter renewal petition. This letter is to inform you that the Charter School intends to appeal the denial of its charter petition by the Fort Sage Unified School District (the "District") and the Lassen County Board of Education (the "County") to the State Board of Education ("SBE"), as provided for in Education Code Section 47605(j)(1) and Title 5, California Code of Regulations Section 11967(a).

Title 5, California Code of Regulations Section 11967(b) requires that a charter school whose petition has been denied and that wishes to appeal its petition to the SBE must send the following information within 180 days after the denial action:

(1) A complete copy of the charter petition as denied by the District. (Attached under Binder Tab 1.)

(2) Evidence of the District governing board's action to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth in Education Code Section 47605(b). (A copy of the District Board meeting minutes is also attached under Binder Tab 2. The District's findings of fact, and the Charter School's response to those findings are also attached under Binder Tab 2.)

(3) Evidence of the County governing board's action to deny the petition (e.g. meeting minutes) and the governing board's written factual findings specific to the particular petition, when available, setting forth specific facts to support one or more of the grounds for denial set forth

in Education Code Section 47605(b). (A signed copy of the County's Resolution to Adopt Findings of Fact and to Deny

(4) the Charter Petition of Long Valley Charter School, attesting to the County's action to deny the charter, is attached under Binder Tab 3. The Charter School's response to the findings of fact is also attached under Binder Tab 3.)

(5) A signed certification stating that petitioners will comply with all applicable law. (Attached under Binder Tab 4.)

(6) A description of any changes to the petition necessary to reflect the SBE as the chartering entity as applicable. (A detailed list of changes to reflect the SBE as the Charter School's authorizer is attached under Binder Tab 5).

(7) A portable USB drive with all the above listed materials in electronic format is also included.

At its March 29, 2010 meeting, the County Board voted to deny the Charter School's petition. This appeal is therefore well within the 180 day limit for submission of an appeal of a charter petition.

According to Title 5, California Code of Regulations Section 11967(d), no later than 60 days after receiving a complete petition package, the Lassen County Board of Education shall grant or deny the charter petition. We anticipate that the County will adhere to this timeline during its consideration of the charter petition.

We look forward to working with your office and the County as it considers the charter petition. Please feel free to contact me if you have any questions.

Sincerely,
LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

Janelle A. Ruley

JANELLE A. RULEY
ATTORNEY AT LAW

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CHARTER

OF THE

LONG VALLEY CHARTER SCHOOL

A CALIFORNIA PUBLIC CHARTER SCHOOL

Whereas the Governing Board of the Fort Sage Unified School District received a valid charter petition on November 18, 2009 submitted pursuant to Education Code Section 47605, and

Whereas the Governing Board of the Fort Sage Unified School District, after holding a public hearing on December 16, 2009 and considering the level of parent and staff support, has determined that the applicants have assembled and presented a valid and meritorious charter petition for renewal of the Long Valley Charter School charter;

Resolved that the Governing Board of the Fort Sage Unified School District hereby approves and grants this charter petition renewal by a vote of ___ to ___ on January 20, 2010 for a period of five years beginning July 1, 2010.

Be it further resolved that this charter constitutes a binding contract upon the Fort Sage Unified School District and Long Valley Charter School.

Witnessed:

_____

President
Board of Trustees
Fort Sage Unified School District

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AFFIRMATIONS/ASSURANCES

Long Valley Charter School (the "Charter School"):

- Shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]

- Shall be deemed the exclusive public school employer of the employees of Long Valley Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]

- Shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]

- Shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]

- Shall admit all students who wish to attend Long Valley Charter School, and who submit a timely application, unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Sections 47605(d)(2) and 51747.3, admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]

- Shall not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]

- Shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 and the Individuals with Disabilities in Education Improvement Act of 2004.

- Shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]

- Shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. [Ref. California Education Code Section 47605(l)]

- Shall at all times maintain all necessary and appropriate insurance coverage.

- Shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).

- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]

- Will follow any and all other federal, state, and local laws and regulations that apply to Long Valley Charter School including but not limited to:

  - Long Valley Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make these records available for audit and inspection.

  - Long Valley Charter School shall on a regular basis consult with its parents and teachers regarding the Charter School's education programs.

  - Long Valley Charter School shall comply with any jurisdictional limitations to locations of its facilities.

  - Long Valley Charter School shall comply with all laws establishing the minimum and maximum age for public school enrollment.

  - Long Valley Charter School shall comply with all applicable portions of the No Child Left Behind Act.

  - Long Valley Charter School shall comply with the Public Records Act.

  - Long Valley Charter School shall comply with the Family Educational Rights and Privacy Act.

  - Long Valley Charter School shall comply with the Ralph M. Brown Act.

  - Long Valley Charter School shall meet or exceed the legally required minimum number of school days.

- Long Valley Charter School shall comply with all laws related to independent study in charter schools including but not limited to Education Code Sections 47612.5 and 51745, *et seq.*

I. Educational Program

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an 'educated person' in the 21st century, and how learning best occurs. The goals identified in the program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

Each semester as high school students enroll in the Independent Study program, their education facilitator meets with the student and parent to inform them about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Parents are informed that the Charter School is accreditied by the Western Association of Schools and Colleges.

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(b)(5)(A)(ii).

Introduction

For the last five years, Long Valley Charter School has maintained an API exceeding 700. In three of those five years, the API has been 740 and above. LVCS has also met AYP for the last three years by encouraging all of our Second through Eleventh Grade students to participate in the State required standardized testing. By offering tutoring for CAHSEE test preparation, the CAHSEE passing rate has increased. In addition, a number of our students have had the honor of having works published by Creative Communications. Several of our high school students enter colleges and universities upon graduation each year.

Further, regarding the financial condition of Long Valley Charter School, with each audit the Charter School has complied with all state and federal laws and regulations and has continuously maintained adequate reserves.

Mission Statement. The mission of Long Valley Charter School is to equip rural students with the educational skills necessary in the 21st century – the ability to read, write, speak, and calculate with clarity and precision, and the ability to participate intelligently and responsibly in a global society. Long Valley Charter School offers alternative choices through site-based learning, independent study and distance learning, to enable students to acquire the knowledge necessary to make a difference in their lives. Long Valley Charter School provides a diverse, student-centered environment in which all students are held to high academic and behavioral standards. Students work in collaborative relationships, both within and outside the Charter School, and perform service to the community.

Our philosophy at Long Valley Charter School is: *"smart is not something you are, but something you get by working hard; knowledge is constructed."* This principle is based on the *Efficacy Approach*, which believes that all people have the ability, but not everyone knows how to get smarter. The first step is to believe you can get smarter, because if you believe you can, you will work hard. We help our students work hard, keep focused, stay committed, and develop alternative strategies when they encounter obstacles. If they don't learn the way we teach, we teach the way they learn.

People don't get smarter unless they are given the opportunity to challenge themselves in an area slightly beyond their current abilities and knowledge. This challenge area is beyond the "comfort zone" and before the area where the student becomes frustrated by too much challenge. Our responsibility is to supply opportunities for children to progressively increase their abilities through providing the challenges and knowledge necessary to succeed in life.

Students to be Served. Long Valley Charter School admission is open to any resident of California, grade levels K-8 for site-based study and any resident of Lassen County or adjacent counties, grade levels K-12 for Independent Study. The Charter School began with its site-based program serving grades K-6, then evolved to include serving grades 7 and 8. Current enrollment at Long Valley Charter School for the Site-based program is 107 students, and for the independent study program is 165 students. Long Valley Charter School operates in compliance with Education Code Section 47610(c), which requires the Charter School to comply with the minimum age for public school attendance and Title 5 California Code of Regulations Section 11960 which establishes the maximum age for public school attendance.

Overall Program Goals and Base for the Vision. Long Valley Charter School's goal is to develop students who are competent, self-motivated, life long learners. Students shall possess skills, habits and attitudes to be successful throughout life. By providing a vehicle for meaningful parental involvement, we bridge the gap between school and home. Parents are the essential link in improving education. Students observe first hand their parents and teachers working together to make a difference. Long Valley Charter School identifies an educated person as one who possesses the following:

- Knowledge of and ability to demonstrate solid skills in reading, writing, and speaking.
- A core of knowledge which includes cultural, mathematical and scientific literacy.
- Ability to:
    - Think logically, critically, and creatively
    - Understand technology and its uses, and the ability to use technology as a tool
    - Find, select, evaluate, organize, and use information from various sources
    - Accept challenges and utilize opportunities
    - Develop comprehensive communication skills
- Knowledge of pertinent health issues and the development of physical fitness.

The personal qualities we will help students develop are:

- Cooperation, responsibility, confidence and productivity
- Concentration and perseverance
- Curious and inquisitive minds

- Honesty and courage (Trustworthiness)
- Respect and empathy for others and their views
- The ability to negotiate, compromise, and assist in finding group consensus (Fairness)
- The ability to appreciate, respect, and enjoy the visual and performing arts.

Families choose the Long Valley Charter School for a variety of reasons, which include:

- Enhanced educational opportunities
    - Emphasis on technology as a tool
    - Expanded cultural exposure through visual and performing arts
    - Community Outreach program
- Community involvement
- A cooperative, cohesive teaching environment
- Multi-age groupings to allow students to progress at their ability level
- Desire to have more control over the educational process
- Lack of challenge in the previous school experience
- Family philosophy, personal beliefs, and values

The Charter School consults with parents and teachers on a regular basis regarding the Charter School's education programs as required by the Charter Schools Act. Students that are not meeting the desired pupil outcomes are offered formal support programs such as Response to Intervention services, Title I services, and informal support programs such as after school tutoring.

Teaching Methodology: How Learning Best Occurs. Each curriculum area is evaluated and modified to meet the needs of the students on an adopted cycle. Current core programs include:

- Reading
    - Houghton Mifflin Literature (K-6)
    - Prentice Hall Literature (7-8)
    - Accelerated Reader (Renaissance Learning) (1-8)
    - Read Naturally
    - Teacher Developed Units

- Language Arts
    - Houghton Mifflin Language (K-6)
    - Prentice Hall Language (7-8)
    - Developmental Morphology (K)
    - Step Up to Writing (2-8)
    - Vocabulary and Literacy Skills (Renaissance Learning) (1-8)
    - The WRITE Institute
    - Teacher Developed Units

- Mathematics
    - EnVision Math (Scott-Foresman) (K-6)

    - McDougall Littell (7-8)
    - Math Facts in a Flash (Renaissance Learning) (1-8)
    - Accelerated Math (Renaissance Learning) (1-8)
    - Teacher Developed Units
    - Touch Math

- Science
    - Houghton Mifflin (K-6)
    - Glencoe (7-8)
    - Teacher Developed Units
    - Accelerated Reader literature selections

- Social Sciences
    - Houghton Mifflin (K-8)
    - Whispers of the First Californians
    - Whispers of the Mission Trails
    - Accelerated Reader literature selections
    - Teacher Developed Units

Community Service Goals. Long Valley Charter School site based and Independent Study students have the opportunity to design and implement community service projects annually, documenting their work in a portfolio and presenting it for display to the public in a community exhibition.

Site Based Educational Objectives. Our purpose is to create a place where learning is viewed as a life long quest, where program objectives evolve with the needs of the students. We strive to:

- Provide multi-age settings to encourage the development of pro-social attitudes of tolerance and responsibility
- Teach students to effectively utilize technology to expand learning opportunities
- Provide parents and students an expanded choice of educational opportunities
- Create opportunities for all members of the Charter School to assume leadership roles and accept responsibility for the learning of all students
- Provide and implement innovative teaching methods in an environment conducive to learning
- Inspire active learning
- Provide support for family based instruction

Independent Study Educational Objectives. Long Valley Charter School supports and facilitates independent study for families interested in this type of an alternative educational program pursuant to Education Code Sections 47612.5(b) and 51745-51749.3, and the regulations specified in Title 5, California Code of Regulations, Sections 11700-11710, through:

- Providing support for family based instruction
- Lesson planning and consultation

- Sharing Long Valley Charter School resources after school hours
- Sharing Community Outreach programs and assemblies
- Participation in extracurricular activities at Long Valley Charter School

Community Outreach Program. The Community Outreach Program is designed to bring a wide variety of educational information to our students through multiple methods. Long Valley Charter School utilizes the community as a learning resource at the Charter School through visiting experts, field studies, mentors, and possibly student internships. The Community Outreach Committee developed partnerships with community colleges, universities, professional and humanities groups, and performing and visual arts groups to expose the students to career opportunities and cultural enrichment. Our purpose is to give our children the opportunity to dream about the multiple possibilities for their future.

The Community Outreach Committee invites Independent Study students and students from Fort Sage School District (the "District") to share events with Long Valley Charter School. Long Valley Charter School has cooperative ventures with the other schools in the District such as Outdoor Education Camp, Lit Jam and Lit Fest that enhance opportunities for all families in our community.

Student Goal Plan. All students deserve the opportunity to develop interests, uncover hidden talents, experience satisfaction and accomplishments. Each student enrolled in the Charter School has an opportunity to develop a Student Goal Plan (SGP). This is an individually defined program created by the teacher, the parent and student , to set achievement goals for academic progress. The SGP is closely tied to measurable student outcomes and assessment procedures, and is periodically reviewed by the student, teacher, and parents. Students and parents receive assessment reports throughout the year, which indicate the students' progress toward the goals outlined in their SGP. Students also receive report cards appropriate for their grade level. Students in the grades K-3 site-based program receive Standards Based Report Cards. Students in the grades 4-8 site-based program receive report cards with traditional letter grades and the report card system is evolving to the Standards Based Report Cards. Independent study students receive grade appropriate report cards with traditional marks.

Staff Enrichment Program. Each member of the teaching staff at Long Valley Charter School provides and participates in the staff enrichment program. Each teacher chooses projects that mutually benefit the Charter School staff. These projects may be an innovative teaching method, program or concept. Upon approval of the project by the Advisory Council, the Enrichment Teacher receives training, which they share with the rest of the staff through in-service. The Enrichment Teacher is responsible for providing staff support for this project throughout the year. The purpose of the Staff Enrichment Program is to improve the quality of education, build a cooperative, cohesive staff, promote shared responsibilities, and facilitate open communication among our educators.

Transferability and Eligibility of Courses. When an independent study program high school student and his or her parents have the first meeting with their Education Facilitator, they are informed of the California high school graduation requirements and the courses required by the California State University system. Students are enrolled in the courses required for their

individual goals that meet California high school graduation requirements. Parents and students are informed that some high schools may not consider all courses transferable and that the Charter School is accredited with the Western Association of Schools and Colleges. The California State University system has accepted courses creditable under the "A" to "G" admissions criteria to meet college entrance requirements.

Serving Academically Low-Achieving Students

The Charter School offers tutoring in the basic subjects for low performing student Independent Study during traditional school hours. We are using Scantron to establish base-line performance in the areas of reading, math and language arts for our Independent Study students only to help identify students' needs and to show student growth. It will also show us which students have advanced skills in these areas. Site-based students are assessed with DIBELS and the Scholastic Test of Achievement in Reading to establish both base-line and growth scores for reading. All students use the Accelerated Reader on-line reading assessment program. Site-based students are assessed with the Accelerated Math on-line program. All students are assessed in basic math skills using Math Facts in a Flash.

Site-based students who perform low in the area of reading are offered Title 1 teacher assistance as well as reading interventions in small group settings allowing for intensive reading instruction for an additional twenty minutes a day Monday through Thursday.

Serving Academically High-Achieving Students
Advanced Independent Study high school students may enroll in Barstow Community College on-line course work beginning in grade 9 based on STAR scores, report cards, and teacher observation or on campus at Lassen Community College to take course work for high school credit and if their parents choose to pay the tuition, students may earn their AA by the time they graduate from high school. We also offer several visual and performing arts options such as music, dance, and art for our students through private vendors.

Serving English Learners

Overview

The Charter School will meet all applicable legal requirements for English Learners ("EL") as it pertains to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

Home Language Survey

The Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms).

CELDT Testing

All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment[1] and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Reclassification Procedures

Reclassification procedures utilize multiple criteria in determining whether to classify a pupil as proficient in English including, but not limited to, all of the following:

- Assessment of language proficiency using an objective assessment instrument including, but not limited to, the California English Language Development Test or CELDT.

- Participation of the pupil's classroom teachers and any other certificated staff with direct responsibility for teaching or placement decisions of the pupil to evaluate the pupil's curriculum mastery.

- Parental opinion and consultation, achieved through notice to parents or guardians of the language reclassification and placement including a description of the reclassification process and the parents opportunity to participate, and encouragement of the participation of parents or guardians in the reclassification procedure including seeking their opinion and consultation during the reclassification process.

- Comparison of the pupil's performance in basic skills against an empirically established range of performance and basic skills based upon the performance of English proficient pupils of the same age that demonstrate to others that the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.

- The Student Oral Language Observation Matrix will be used by teachers to measure progress regarding comprehension, fluency, vocabulary, pronunciation, and grammar usage.

Strategies for English Learner Instruction and Intervention

All LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners. Most of our curriculum includes ELD materials.

[1] The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

Serving Students with Disabilities

Overview

The Long Valley Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").

The Charter School shall be categorized as a public school of the County in accordance with Education Code Section 47641(b).

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School shall be solely responsible for its compliance with Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Executive Director and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.

- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

The Charter School continues to function as a "public school of the County Office of Education" for purposes of providing special education and related services pursuant to Education Code Section 47641(b).

The Charter School and County annually, in good faith negotiate, and enter into a written agreement to more clearly specify the desired mix of special education funding and services to be provided. The Charter School enjoys reasonable flexibility to decide whether to receive services, funding, or some combination of both pursuant to Education Code Section 47646(b). The Charter School and the County work in good faith to document the specific terms of this relationship in an annual agreement or memorandum of understanding.

The Charter School shall have the right to pursue independent local education agency (LEA) and/or special education local plan area (SELPA) status pursuant to Education Code Section 47641(a), and the District shall not hinder, or otherwise impede the efforts of the Charter School to do so. In the event that the Charter School opts not to establish independent LEA and/or SELPA status, it shall remain an arm of the County for special education purposes as required by Education Code Section 47641(b), and/or shall continue to receive funding and services pursuant to the terms of this section and its annual agreement.

II. Measurable Student Outcomes

Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Education Code Section 47605(b)(5)(B).

Student outcomes are defined as the degree to which all students of the Charter School demonstrate that they have attained the skills, knowledge and attitudes commensurate to their abilities, as specified in the goals of the Charter School's educational program.

Long Valley Charter School provides teachers, parents, and students specific grade level standards at the beginning of each school year. Student outcomes align with the California State content and performance standards, pursuant to Educational Code 47605(c)(1). Long Valley Charter School students participate in all state-mandated testing programs.

Students will continue to demonstrate increased skills and understanding of core subjects including:

- Language Arts
  - Reading, oral and written language
  - Literature from various time periods and cultures

- Mathematics
  - Developing the ability to reason logically and understand and apply mathematical concepts and processes, including those within arithmetic, algebra, geometry, and other mathematical subjects the staff and school board consider appropriate.
  - Comprehensive understanding of how math is applied to the real world in technology today.

- Science
  - Utilizing scientific research and inquiry methods to understand and apply the major concepts underlying various branches of science, which may include physics, chemistry, biology, ecology, astronomy, and earth sciences.
  - Comprehensive understanding of how science is applied to the real world in technology today.

- Social Sciences
  - Civic, historical, and geographical knowledge in order to serve as citizens in today's world of diverse cultures.

Students will also continue to demonstrate the skills that Long Valley Charter School has determined are necessary to become a life long learner, including:

- Technology as a resource to increase knowledge
- Increased awareness of their environment and community

- An appreciation of visual and performing arts

In order to best serve our students and community, Long Valley Charter School will continue to examine and refine its list of student outcomes over time to reflect the Charter School's mission and any changes to state or local standards that support this mission. Long Valley Charter School will submit to the District Board a description of any changes to the above student outcomes.

III. Assessment Methods and the Use and Reporting of Data

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(5)(C).

Long Valley Charter School meets all statewide standards and conducts the pupil assessments required pursuant to Education Code Section 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.

All Long Valley Charter School students will continue to demonstrate growth appropriate for each student as outlined in their individual Student Growth Plan in all of the core academic areas. Non-special needs and non-English Learner students will continue to demonstrate growth before promotion to the next grade. Academic growth is determined through the use of multiple measures, as described below. Academic growth for special needs and EL students is defined appropriately according to their Individualized Education Plans and/or English proficiency levels.

Long Valley Charter School students are assessed in each of the core academic skill areas by a combination of ongoing "authentic" assessments. These assessments include the following measurement tools:

- Statewide assessment testing through the STAR (Standardized Testing and Reporting) program
- School adopted benchmark curriculum assessments (including STAR Reading, Early STAR Literacy, and Accelerated Math)
- The students' personal Student Goal Plan
- Samples of student work (writing, projects, etc.)
- Self-evaluation by the student
- Demonstration of student's skills and knowledge through performance based instruction
- Observation and evaluation by teachers

The results of these assessments are shared regularly with parents through the following means:

- Conferences and Student Goal Plan reviews
- Progress reports and report cards
- Student testing and class/homework
- Publication of a SARC annually ?
- Disclosing API each school year
- Disclosing AYP each school year
- Disclosing the overall attendance rate
- Disclosing expected school-wide learning results

Charter School Evaluation and Review. Each year, Long Valley Charter School will conduct a program evaluation to determine the effectiveness of all aspects of the program by evaluating measurable student growth. The Education Director or designee will make the resulting reports available to the Advisory Council and the sponsoring district.

The Education Director or designee of Long Valley Charter School shall make an annual presentation to the District Board, on the results of the evaluations which will assess all aspects of the Charter, including but not limited to: program content, management, budget, and future plans. The assessment may be accomplished by, but is not limited to, the following methods: analyzing the charter/parent evaluation, discussing the Charter School with the Charter Staff, and evaluating measurable student growth.

IV. Governance Structure

Governing Law: The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement. Education Code Section 47605(b)(5)(D).

The Long Valley Charter School is operated as a California Nonprofit Public Benefit Corporation pursuant to California law. The Charter School is governed pursuant to the bylaws adopted by the incorporators, as subsequently amended pursuant to the amendment process specified in the bylaws, attached hereto as Attachment A.

The Long Valley Charter School governing structure is addressed in Figure 1 below. Long Valley Charter School is governed by the Long Valley Charter School Board of Directors, which will include not less than five members. Directors will be elected according to the Long Valley Charter School Election Policy. The Directors' major roles and responsibilities include:

- Establishing, approving, and supervising all major educational and operational policies
- Approving all major contracts
- Reviewing and approving the Charter School's annual budget
- Approving changes to the budget greater than 5% of the total annual ADA
- Overseeing the Charter School's financial affairs
- Selecting and evaluating the top administrative staff
- Approving Charter amendments by a 2/3 majority

The Board of Directors shall accept, consider, and be responsive to input from all stakeholders. The Board of Directors facilitates the identification of problems and the consensus building needed to identify and implement solutions that will help to maintain a successful school. Consensus is defined as agreement to a solution by all those involved, agreement means that the participants can live with a solution, even though some may not like it. On major issues the Charter School will survey parents and staff to determine if the solutions have their support. When solutions are outside of the authority of this charter, the Board of Directors will inform the Fort Sage Unified School District Board of Trustees. Unless the Board of Directors vetoes the solution within sixty days after it first appears on a Board of Trustees agenda and is presented by the Education Director, or designee, at a Board meeting, the solution will become a part of this charter and will be reflected as an amendment that will be attached at the end of this charter in sequence as "Amendment 1, Amendment 2, etc." If the issue requires immediate attention, the Long Valley Charter School would like a determination by the next regularly scheduled board meeting.

Long Valley Charter School's Board of Directors may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which charter schools are established.

The Board of Directors may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an officer or employee of the Charter School

any of those powers or duties. The Board of Directors, however, retains ultimate responsibility over the performance of those powers or duties so delegated.

Stakeholders of the Long Valley Charter School are elected to the Board of Directors in accordance with the Long Valley Charter School Election Policy. The stakeholders are defined as parents of students enrolled at Long Valley Charter School and staff members.

The Charter School bylaws permit one representative of the Fort Sage Unified School District Board of Trustees to sit on the Long Valley Charter School Board of Directors. To prevent any real or perceived conflict of interest, the District representative shall not be a District staff member or a County staff member employed at Fort Sage Unified School District, nor shall he or she be a member of the District or County Board. This representative is to sit on the Board of Directors as a nonvoting member to facilitate communications and mutual understanding between Long Valley Charter School and Fort Sage Unified School District.

The Education Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and a contract approved by the Charter School Board of Directors. The Education Director implements the established direction and outcomes of the Charter School program in order to achieve the Charter School's goals and objectives and to further the Charter School's philosophy. The Education Director is responsible for:

- Recommendations for hiring and termination of certificated staff pursuant to Charter School personnel policy and subject to the Board of Directors approval
- Supervising and evaluating all certificated staff members of the Charter School
- Presenting an annual report of programs to the District Board and the Charter School Board of Directors
- Liaison between the Board of Directors and the District Board
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

The Financial Director hired by the Long Valley Charter School Board of Directors is provided with an applicable job description and contract approved by the Charter School Board of Directors. The Financial Directory is responsible for:

- Budget preparation and presentation to the Board of Directors
- Overseeing all daily and fiscal operations of the Charter School
- Presenting an annual financial report to the District Board and the Charter School Board of Directors
- Supervising and evaluating all classified staff members of the Charter School
- Liaison between the Board of Directors and the District Board
- Liaison between the Board of Directors and the Advisory Council
- Liaison between the Charter School and the community

The Long Valley Charter School formed an Advisory Council composed of equal members of staff, and parent/community members. The staff members consist of the Education Director, representatives of certificated and classified staff. School-wide problems are identified by means

of a suggestion box or by stakeholders. The Advisory Council is the forum where these problems are first publicly discussed. The Advisory Council works to create solutions that are acceptable until consensus is reached, or all objections have been addressed. This Council has the opportunity to make educational and operational recommendations to the Long Valley Charter School Board of Directors and the Education Director. It works with parents to develop parental involvement strategies and policies, and to submit the policies to the Board of Directors for approval.

In addition to the governance structure illustrated in Figure 1, Long Valley Charter School incorporated a Community Advisory Board as a resource for the School Board and the Executive Director. The Community Advisory Board is comprised of qualified interested community members such as business owners, community leaders, politicians, and members of the professional community.

Figure 1: Governance Structure

<table>
<tr><td colspan="4">Local Education
Agency Fort Sage Unified School District</td></tr>
<tr><td colspan="4">LVCS Board of Directors</td></tr>
<tr><td colspan="2">LVCS Advisory Council</td><td colspan="2">Education Director Financial Director</td></tr>
<tr><td>Technology Committee</td><td>Visual & Performing Arts Committee</td><td>FSUSD Business Office/LCOE Business Office</td><td>LVCS Staff</td></tr>
<tr><td>Library Committee</td><td>Community Outreach Committee</td><td></td><td></td></tr>
</table>

The Long Valley Charter School is non-sectarian in its programs, admissions policies, employment practices, and all other operations, does not charge tuition, and does not discriminate on the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics).

V. Employee Qualifications

Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605(b)(5)(E).

The Long Valley Charter School retains or employs teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the Commission on Teacher Credentialing. These teachers teach the core academic classes of mathematics, language arts, science, and history/social studies. Core teachers are responsible for overseeing the students' academic progress, and for monitoring grading.

The Long Valley Charter School also employs or retains non-certificated instructional support staff, in any case where a prospective employee has an appropriate mix of subject matter expertise, professional experience, and the demonstrated capacity to work successfully in an instructional support capacity.

All instructional and non-instructional staff employed by Long Valley Charter School possess the experience and expertise appropriate for their position within the Charter School as outlined in the Charter School's job description, the Charter School's adopted personnel policies.

Long Valley Charter School requires that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.

The Education Director must hold an Administrative Services Credential. A masters degree is preferred.

The Financial Director must hold a baccalaureate degree in business or a related field.

Persons employed in teaching positions must hold a valid California teaching credential.

Persons employed as paraprofessionals or paraeducators must be highly qualified by holding an associate degree or passing of the CODESP and receiving a certificate as a highly qualified paraprofessional/paraeducator.

VI. Health and Safety Procedures

Governing Law: The procedures the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).

Long Valley Charter School adopted and implemented a comprehensive set of health, safety, and risk management policies, which are attached hereto as Attachment B. It is our intent to operate a safe, risk free school to protect students and staff alike. The policies were developed in consultation with the Charter School's insurance carriers address the following issues:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required for enrollment in non-charter public schools.
- A requirement that each employee and contractor of the Charter School submit to a criminal background check and furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1.
- A Policy requiring tuberculosis testing for employees.
- Policies and procedures for responding to emergencies and natural disasters.
- Policies and procedures for contacting parents or guardians in case of an emergency.
- Policies relating to the prevention of exposure to blood borne pathogens and communicable diseases.
- A policy relating to the administration of medication in school. We have a procedure that but not a Board Policy.
- A policy requiring that instructional staff receive training in emergency response, including "first responder" training or an equivalent.
- A policy establishing that Long Valley Charter School operates as a drug, alcohol, and tobacco free workplace. I cannot find this policy as a Board Policy. It is in our Employee Handbook.
- A policy for the prevention of sexual harassment.
- A policy for detecting and reporting child abuse and neglect. In Employee Handbook.
- A policy for facility safety, including seismic safety.
- A policy requiring the completion of the California School Immunization Record including proof of examination for tuberculosis to determine if immunization requirements have been met, using the "California "Immunization Requirements for Grades K-12." The Charter School will participate in the annual vision, hearing, scoliosis, and diabetes screening provided by the Lassen County Office of Education.

The policies above are incorporated as appropriate into the Charter School's handbook, and are reviewed annually or as necessary, by the Charter School's Advisory Council. Revisions are submitted to the Board of Directors for approval.

VII. Racial and Ethnic Balance

Governing Law: The means by which the school will achieve the racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G).

Long Valley Charter School does not discriminate against any student or employee on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). Each student who attends Long Valley Charter School does so on a voluntary basis, and the program appeals to all people. The Long Valley Charter School implemented a student and employee recruitment strategy that included, but is not limited to the following elements to ensure a racial and ethnic balance that is reflective of the general population residing within the territorial jurisdiction of the District:

- Promotional and informational materials that appeal to all of the various racial and ethnic groups represented in the District.
- Development of the above materials in languages other than English to appeal to populations with limited English proficiency.
- The service of Spanish speaking staff, when available, to facilitate communication for limited English proficient parents and community members.
- Implementation of a translating program to convert English to Spanish for the purpose of written Charter School communication.

VIII. Admission Requirements

Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).

Students are considered for admission without regard to ethnicity, national origin, gender, disability, religion, or achievement level or any other characteristic described in Education Code Section 220. Admission to the site based school is open to any resident of California. Independent study students must be residents of Lassen County or adjacent counties. Prospective students and their parents or guardians receive material regarding the Charter School's instructional and operational philosophy, and student-related policies. Upon enrollment, students and parents are required to agree to comply with rules and regulations of the student/parent handbook, and commit to attend school everyday.

In the event there are more applicants than capacity, attendance, except for existing pupils, will be determined by public random drawing. Long Valley Charter School adopted and maintains policies granting admissions preference to families who live in the previously established attendance area of Long Valley Charter School , siblings of existing students, the children of staff members, and those students on the previous year's wait list. Subsequent preference is given to students who live in District boundaries. The student enrollment capacity level is set by the Long Valley Charter School Board of Directors. Students who do not achieve enrollment through the public random drawing are placed on a waiting list for enrollment, in the order in which their names were drawn in the public random drawing. They will be contacted in accordance with their number on the list, as vacancies in their appropriate grade levels become available. The Charter School's Admissions and Attendance Polices are attached hereto as Attachment D.

The Long Valley Charter School requests parents or guardians to participate at the Charter School by volunteering. Participation activities will be outlined in the Parent Student Handbook.

IX. Annual Financial Audits

Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority." Education Code Section 47605 (b)(5)(I).

An annual independent fiscal audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers Guide.

The Board of Directors will select an independent auditor through a request for proposal format. The auditor will have, at a minimum, a CPA and educational institution audit experience and approved by the State Controller on its published list as an educational audit provider. To the extent required under applicable federal law, the audit scope will be expanded to include items and processes specified in applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the District, the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Educational Director and the Finance Director will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the District describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the District along with an anticipated timeline for the same.

The independent fiscal audit of the Charter School is public record to be provided to the public upon request.

X. Suspension or Expulsion Procedures

Governing Law: The procedures by which pupils can be suspended or expelled." Education Code Section 47605(b)(5)(J).

The Long Valley Charter School developed and maintains a complete set of student discipline policies, which comply with state and federal due process requirements for both general and special education students, and which are attached hereto as Attachment E. These policies are included in, and distributed as part of the Charter School handbook, and clearly outline the Charter School's expectations regarding attendance, mutual respect, violence, safety issues, work habits, and substance abuse policy. Each student and his or her parent or guardian will be required to sign an agreement that he or she has reviewed and understands the Charter School's policies upon enrollment.

Long Valley Charter School shall notify the Fort Sage Unified School District of any expulsions.

XI. Employee Retirement System

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security." Education Code Section 47605(b)(5)(K).

Employees may participate in the State Teachers' Retirement System ("STRS") and Social Security, or other retirement systems depending on each individual's eligibility, choice, and current law.

XII. Attendance Alternatives

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(b)(5)(L).

Enrollment at the Long Valley Charter School is entirely voluntary on the part of the students who attend. The traditional program of Fort Sage Unified School District continues to be an option for all students who choose not to enroll in the Charter School.

The Charter School will inform the parent or guardian of each pupil enrolled in the Charter School that the pupils have no right to admission in a particular school of any local education agency (or program of any local education agency) as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

XIII. Employee Rights

Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M).

No public school district employee shall be required to work at the Charter School. Employees of the District who choose to leave the employment of the District to work at the Charter School will have no automatic rights of return to the District after employment by the Charter School unless specifically granted by the District through a leave of absence or other agreement. Charter School employees shall have any right upon leaving the District to work in the Charter School that the District may specify, any rights of return to employment in a school district after employment in the school that the District may specify, and any other rights upon leaving employment to work in the school that the District determines to be reasonable and not in conflict with any law.

All employees of the Charter School will be considered the exclusive employees of the Charter School and not of the District, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the District or any other school district will not be transferred to the Charter School. Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

XIV. Dispute Resolution Process

Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter. Education Code Section 47605(b)(5)(N).

Intent. It is the intent of our dispute resolution process to:

- Resolve disputes within the Charter School pursuant to the Charter School's policies
- Minimize oversight burden on the District
- Ensure prompt and fair resolution to disputes

Public Comment. The staff and Governing Board of the Charter School and the District agree to attempt to resolve all disputes regarding this charter pursuant to the terms of this section. Both shall refrain from public commentary regarding any disputes until the matter has progressed through the resolution process.

Disputes between the Charter School and the Charter-Granting Agency. In the event that the Charter School or granting agency has disputes regarding the terms of this charter or any other issue regarding the Charter School and grantor's relationship, both parties agree to follow the process outlined below. The "oversight reporting and revocation procedure" set forth below is specifically exempted from this mediation procedure.

In the event of a dispute between the Charter School and the grantor, the staff and members of Board of Directors of the Charter School and District agree to first frame the issue in written format, and refer the issue to the superintendent of the granting agency and education director or designee of the Charter School. In the event that the grantor believes that the dispute relates to an issue that could lead to the revocation of the charter, the Charter School requests that this shall be specifically noted in the written dispute statement. The Charter School agrees that these dispute resolution procedures cannot be utilized to impede or prevent the District from proceeding toward revocation or non-renewal which shall be done in accordance with Education Code Section 47607.

The Education Director, or designee, and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Governing Board members from their respective boards who shall jointly meet with the Superintendent of the District or County and Education Director or designee of the Charter School and attempt to resolve the dispute.

If this joint meeting fails to resolve the dispute, the Superintendent and Education Director, or designee, shall meet to jointly identify a neutral, third party mediator whose expense shall be shared equally by both parties. The format of the mediation session shall be developed jointly by the Superintendent and Education Director or designee. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All procedures in this section may be revised upon mutual written agreement of the District and the Charter School. The cost of mediation shall be equally spilt between the District and the Charter School.

Oversight Reporting and Revocation. The Fort Sage Unified School District may inspect or observe any part of the Charter School at any time. While not legally required, the Charter School asks, but recognizes it cannot compel, reasonable notice prior to any observation or inspection.

This charter may be revoked or non-renewed by the authority that granted the charter, the District Board of Trustees, pursuant to Education Code Section 47607.

If the Governing Board of the District believes it has cause to revoke this charter, the board agrees to notify the Board of Directors of the School in writing, noting the specific reasons for which the charter may be revoked, and grant the School reasonable time to respond to the notice and take appropriate corrective action.

XV. Public School Employer

Governing Law: A declaration of whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act ("EERA"). The Charter School recognizes the employees' rights under the EERA provisions to organize for collective bargaining.

XVI. Closure

Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board of Directors will promptly notify parents and students of the Charter School, the District, the Lassen County Office of Education, the Charter School's SELPA, the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents, students and the District with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act ("FERPA") 20 U.S.C. § 1232g. The Charter School will ask the District to store original records of Charter School students. All records of the Charter School shall be transferred to the District upon Charter School closure. If the District will not or cannot store the records, the Charter School shall work with the County Office of Education to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified

Certified Public Accountant selected by the Charter School and will be provided to the District promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code Section 47604.33.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the non-profit public benefit corporation to another California public educational entity. Any assets acquired from the District or District property will be promptly returned upon Charter School closure to the District. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.
As the Charter School is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget in Exhibit __, the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

XVII. Financial Planning, Reporting, And Accountability

Budgets and Financial Plan

Governing Law: *The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. -- Education Code Section 47605(g)*

A multi-year financial plan for the Charter School is attached. This plan is based on the best data available to the developers at the time the plan was assembled. Attached as Appendix **[INSERT]**, please find the following documents:

1. A projected annual budget
2. An interim financial report as of October 31

Financial and Programmatic Reporting

Budget and Financial Reporting Schedule

The Charter School will annually prepare and submit to the District:

- On or before July 1st, a final budget

- On or before December 15th, an interim financial report which reflects changes to the final budget through October 31st. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools

- On or before March 15th, a second interim financial report which reflects changes to the final budget through January 31st

- On or before September 15th, a final unaudited financial report for the prior full fiscal year

Attendance Accounting

The Charter School will implement an attendance recording and accounting system, to ensure contemporaneous record keeping, which complies with state law.

Reporting

The Charter School will provide reporting to the District as required by law and as requested by the District including but not limited to the following: California Basic Educational Data System (CBEDS), actual Average Daily Attendance reports, all financial reports required by Education

Code Sections 47604.33 and 47605(m) (as stated above) and the School Accountability Report Card (SARC).

The Charter School agrees to and submits to the right of the District to make random visits and inspections in order to carry out its statutorily required oversight.

Pursuant to Education Code Section 47604.3 the Charter School shall promptly respond to all reasonable inquiries including, but not limited to inquiries regarding its financial records from the District, the County Office of Education, and the State Superintendent of Public Instruction.

Insurance

The District shall not be required to provide coverage to the Charter School under any of the District's self-insured programs or commercial insurance policies. The Charter School shall secure and maintain, as a minimum, insurance as set forth below to protect the Charter School from claims which may arise from its operations. The following insurance policies are required:

1. Workers' Compensation Insurance in accordance with provisions of the California Labor Code, adequate to protect the Charter School from claims under Workers' Compensation Acts, which may arise from its operations.

2. General Liability, Comprehensive Bodily Injury and Property Damage Liability for combined single limit coverage of not less than $1,000,000 for each occurrence based upon the recommendation of the insurance provider for schools of similar size, location, and type of program. The policy shall be endorsed to name the District its Board of Education as additional insurers.

3. Fidelity Bond coverage shall be maintained by the Charter School to cover all Charter School employees who handle, process, or otherwise have responsibility for Charter School funds, supplies, equipment or other assets. Minimum amount of coverage shall be $50,000 per occurrence, with no self-insured retention.

4. Directors and Officers Coverage shall be maintained by the Charter School to cover its Board of Directors.

Insurance Certificates

The Charter School shall keep on file certificates signed by an authorized representative of the insurance carrier. Certificates shall be endorsed as follows: The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the district. Facsimile or reproduced signatures are not acceptable. The District reserves the right to require complete certified copies of the required insurance policies.

Administrative Services

Governing Law: The manner in which administrative services of the School are to be provided. Education Code Section 47605(g).

Long Valley Charter School will do its own accounting and be its own fiscal agent and may contract for management, educational and other services. Any services provided by the District to the Charter School shall be contracted on a fee for services basis, to be addressed in a memorandum of understanding.

A fiscal reconciliation plus or minus will come within 90 days of the close of the District's fiscal year. The Charter School will bear the cost of an audit at the close of each school year.

Facilities

Governing Law: The facilities to be utilized by the school. The description of facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(G); A petition for the establishment of a charter school shall identify a single charter school that will operate within the geographic boundaries of that school district. Education Code Section 47605(a)(1)

School Location

The Long Valley Charter School was granted the use of the property, facility, educational materials and equipment, and furnishings knows as Long Valley School that is located on parcel AP#141-060-35-11 at 436-965 Susan Drive, Doyle, California 96109. Long Valley Charter School is the sole occupant of the facility and grounds unless a mutually agreeable arrangement is made with Fort Sage Unified School District. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with District funds remains the property of the District and remains on the Long Valley Charter School site. All property currently on the premises or encumbered by Long Valley School purchasing procedures purchased with site funds remains the property of the School and remains on the Long Valley Charter School site.

Impact on Charter Authorizer

Governing Law: Potential civil liability effects, if any, upon the school and upon the District. (Education Code Section 47605(g).

The Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d.

Pursuant to Education Code Section 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities

required by law. The Charter School shall work diligently to assist the District in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other District requested protocol to ensure the District shall not be liable for the operation of the Charter School.

Further, the Charter School and the District have entered into a memorandum of understanding which provides for indemnification of the District by the Charter School. Insurance amounts are described above and will be updated as needed by recommendation of the insurance company for schools of similar size, location, and type of program. The District shall be named an additional insured on the general liability insurance of the Charter School.

The corporate bylaws of the Charter School provide for indemnification of its Board of Directors, officers, agents, and employees, and the Charter School will purchase general liability insurance, Directors and Officers insurance, and fidelity bonding to secure against financial risks.

XVIII. Miscellaneous Provisions

Term. The term of this charter shall begin July 1, 2010 and expire five years thereafter, or on June 30, 2015, with option for renewal.

Renewal of Charter. The grantor may renew this Charter for the term of five years. The Charter School shall re-petition the District for charter renewal prior to expiration.

Material Revisions. Any material revisions to this charter shall be made by the mutual agreement of the Governing Boards of the Charter School and the District. Material revisions shall be made pursuant to the standards, criteria, and timelines in Education Code Sections 47605 and 47607.

Severability. The terms of this charter contract are severable. If any term or provision of this charter is deemed invalid or unenforceable, the remainder of this charter shall remain in effect, unless mutually agreed otherwise by the Fort Sage Unified School District and the Governing Board of the Charter School. The district and the school agree to meet to discuss and resolve any issues or differences relating to invalidated provisions in a timely, good faith fashion.

Communications. All official communications between Long Valley Charter School and Fort Sage Unified School District will be sent via First Class Mail or other appropriate means to the following addresses:

Long Valley Charter School
P.O. Box 7
Doyle, CA 96109

Fort Sage Unified School District
P.O. Box 35
Herlong, CA 96113

Business Agreement. The Long Valley Charter School and Fort Sage Unified School District will engage and develop a mutually agreeable Memorandum of Understanding outlining the following provisions. The Fort Sage Unified School District will receive 3% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School site based students residing within the District's boundaries. The District will receive 1% of all general-purpose entitlement and categorical block grant funds for all Long Valley Charter School Independent Study students and site based students who reside outside of the district's boundaries. The Charter School will receive the remaining general-purpose entitlement and charter block grant funds, 100% of applicable Lottery, Instructional Materials Funds, and other operational funding, as well as an equitable percentage of all applicable categorical funds outside the Charter School Block Grant, in addition to the State and Federal grants, special education and one time funding. Funds coming to the District and not to a specific group (i.e., transportation, etc.) will be apportioned to Long Valley Charter School as they are to other schools in the District.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAW

***California Code of Regulations,* Title 5, Section 11967(b)(3)**

A charter petition that has been previously denied by the governing board of a school district may be submitted to the county board of education or the State Board of Education. See Education Code Section 47605(j)(1). As per Education Code Section 47605(j)(5), the State Board of Education has adopted regulations implementing the provisions of Section 47605(j)(1). See Title 5, California Code of Regulations Section 11967 (5 CCR Section 11967).

5 CCR Section 11967 requires that a charter school petition that has been previously denied by a school district must be received by the County Board of Education not later than 180 calendar days after the denial. 5 CCR Section 11967(a). In addition, subdivision (b)(3) of Section 11967 requires the charter petitioner to provide a "signed certification stating that petitioner(s) will comply with all applicable law" when submitting the denied petition to the County Board of Education.

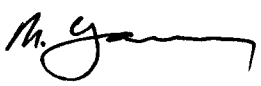
The following certification is submitted in compliance with 5 CCR Section 11967(b)(3).

Certification

By signing below, I certify as follows:

1. That I am the authorized representative, and that I am competent and qualified to certify to the facts herein;
2. That, as authorized representative, I have personal knowledge of the facts forming the basis of this certification;
3. That I make this certification for purposes of 5 CCR Section 11967(b)(3) only; and
4. That the charter petitioner(s) and the charter petition are in compliance with applicable law.

Name: Michael Yancey, Education Director

Signature: 

Date: March 30, 2010

School Name: **Long Valley Charter School**

MYM

LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

MARCH 30, 2010

PAUL C. MINNEY
JAMES E. YOUNG
MICHAEL S. MIDDLETON
LISA A. CORR
AMANDA J. MCKECHNIE

JERRY W. SIMMONS
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SARAH J. KOLLMAN
JANELLE A. RULEY
ANDREW G. MINNEY
MICHAEL E. HERSHER

OF COUNSEL
SUZANNE A. TOLLEFSON

VIA: HAND DELIVERY

Charter Schools Division
California Department of Education
1430 N Street
Sacramento, CA 95814

RE: Description of Changes to the Petition Necessary to Reflect the State Board of Education as the Chartering Entity

To Whom It May Concern:

This office serves as legal counsel for Long Valley Charter School (the "Charter School") in its charter renewal petition. The Charter School renewal petition was submitted to the Fort Sage Unified School District (the "District") on November 9, 2009. The District voted to deny the petition on January 20, 2010. The Charter School appealed the District's decision to the Lassen County Board of Education (the "County") on February 1, 2010 and the County denied the appeal on March 29, 2010.

The Charter School respectfully submits its charter petition to the State Board of Education ("SBE"). We have listed below the relevant and appropriate changes to the charter petition which are necessary to reflect approval by the SBE:

1. Chartering Authority

   Any text referring to the Fort Sage Unified School District, FSUSD, or the District <u>as the chartering authority</u> would be revised to read "State Board of Education" or "SBE."

2. Special Education Plan

   Instead of acting as a public school of the District for purposes of special education, the Charter School will be its own local educational agency ("LEA") and will apply directly for membership in the Lassen County Special Education Local Plan Area ("SELPA"). Should the Charter School be denied membership in the Lassen County SELPA, it will apply for membership in the El Dorado County Charter SELPA.

701 UNIVERSITY AVENUE, SUITE 150 ▪ SACRAMENTO, CA 95825 ▪ T 916.646.1400 ▪ F 916.646.1300
WWW.MYMCHARTERLAW.COM

3. Technical Amendments

   The Charter School will comply with any and all technical amendments to its charter as required by the SBE and the California Department of Education.

* * *

We will make every effort to submit any supplemental documentation that the SBE may request in a timely manner.

Sincerely,
LAW OFFICES OF
MIDDLETON, YOUNG & MINNEY, LLP

Janelle A. Ruley

JANELLE A. RULEY
ATTORNEY AT LAW

MYM

Letters from Local Authorities Regarding Certificates of Occupancy

City of Susanville

(530) 257-1000 • 66 North Lassen Street • Susanville, CA 96130-3904

April 20, 2012

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: ***Long Valley Charter School***
Compliance with the Americans With Disabilities Act
900 Main Street in Susanville, CA

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has informed me that the California Department of Education has made a finding that Long Valley is not in compliance with the Americans with Disabilities Act for its resource center located at 900 Main Street in Susanville, California.

As the Building Official for the City of Susanville it is my determination that Long Valley's facility meets the accessibility requirements for existing buildings according to the 2010 California Building Code, Chapter 34, and Section 3411.4.2. Furthermore, I have determined that because Long Valley's occupancy did not represent a change in use, because no alterations were made to the site, and because the site was in compliance with the ADA at the time Long Valley was issued its COO, no alterations needed to be made to bring the site into compliance. However if renovations to the building should occur in the future further upgrades will be handled on a case by case basis.

Please do not hesitate to contact me at 530-252-5117 should you have any questions.

Sincerely,

Charlie Palmer
Building Official
City of Susanville

Lino P. Callegari
Mayor
Douglas Sayers
Mayor pro tem

Councilmembers:
Joseph Franco
Cheryl L. McDonald
Rod E. De Boer

City of Portola

35 Third Avenue • P.O. Box 1225
Portola, California 96122
Fax: (530) 832-5418
(530) 832-4216
www.ci.portola.ca.us

Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street
Sacramento CA 95814-5901

Re: Long Valley Charter School
Certificate of Occupancy
280 East Sierra Avenue in Portola, CA

Ms. Baltazar,

Long Valley Charter School ("Long Valley") has informed me that the California Department of Education has objected to the fact that Long Valley does not have a Certificate of Occupancy for its resource center located at 280 East Sierra Avenue in the city of Portola, California.

As Building Department Official for the City of Portola, and thus as representative of the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located, I determined in 2010 that the building in which Long Valley planned to locate their resource center was built in 1895; while a Certificate of Occupancy was likely issued at some point thereafter, I was not able to locate the COO in the file for the building. Its previous uses, however, had been as a business (B-Occupancy), including as a scrapbooking store that also offered educational classes.

I also determined in my capacity as representative of the local building enforcement agency with jurisdiction over the area in which the resource center was proposed to be located that the use of the building at 280 East Sierra Avenue in Portola, CA by Long Valley would not be a change in use from its prior B-occupancy use, as the space would be used by fewer than 50 individuals, and would not be used as a traditional school facility. As a result, I determined that Long Valley would not be required to seek a Certificate of Occupancy prior to occupying the building located at 280 East Sierra Avenue.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Todd Roberts

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Doris Topsy-Elvord Academy: Consider Issuing a Notice of Violation Pursuant to California *Education Code* Section 47607(d).	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE

The California Department of Education (CDE) believes that there is substantial evidence that Doris Topsy-Elvord Academy (DTEA) engaged in fiscal mismanagement pursuant to California *Education Code* (*EC)* Section 47607(c)(3) and that a Notice of Violation be issued to allow DTEA a reasonable opportunity to remedy the identified violation.

RECOMMENDATION

California Department of Education Recommendation

The CDE recommends that the State Board of Education (SBE) issue a Notice of Violation, draft letter provided as Attachment 1, pursuant *to EC* Section 47607(d) because the CDE believes that DTEA has engaged in fiscal mismanagement pursuant to *EC* Section 47607(c)(3). The CDE has sought to address violations through Notices of Concern, as presented in Attachments 2 and 4.

Pursuant to *EC* Section 47607(d) and *California Code of Regulations*, Title 5 (*5 CCR*) Section 11968.5.2, the CDE also recommends that DTEA have the opportunity to present evidence that refutes, remedies, or proposes to remedy the alleged violations at the June 2012, meeting of the Advisory Commission on Charter Schools (ACCS). The CDE recommends that the ACCS make a recommendation to the SBE regarding whether, at the July 2012 meeting of the SBE, the SBE should issue a Notice of Intent to Revoke pursuant to *EC* Section 47607(e) to DTEA.

Relevant excerpts from statute, as well as SBE history, are provided as Attachment 6.

RECOMMENDATION (Cont.)

Advisory Commission on Charter Schools Discussion and Recommendations

The Advisory Commission on Charter Schools (ACCS) considered the DTEA petition at its April 11, 2012, meeting and unanimously accepted the CDE's recommendation to issue a notice of violation.

BRIEF HISTORY OF KEY ISSUES

EC Section 47607(c) 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:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of the law."

The CDE believes that evidence exists to support the finding that DTEA failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement. *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 (*EC* Section 47607[c][3])

Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement:

As background, DTEA has struggled financially since 2008–09, its first year of operation. In the subsequent year, 2009–10, the school's financial trends showed signs of improvement; however, in 2010–11 the financial picture worsened again. The CDE continues to have concerns about DTEA's ability to sustain operation and successfully implement its school program as set forth in the petition.

During the 2011–12 school year, a Notice of Concern dated October 19, 2011, provided as Attachment 2, was sent to DTEA upon reviewing the school budget. It was based upon the following concerns: negative beginning balance; declining attendance; insufficient details on grant and fundraising activities; and excessive staffing levels.

BRIEF HISTORY OF KEY ISSUES (Cont.)

DTEA responded on November 3, 2011, refer to Attachment 3, with a short narrative, a revised budget, DTEA board meeting minutes indicating budget discussion, approval of the revised budget, and a revised staff list. The level of provided detail, however, was still insufficient to address CDE concerns.

Subsequently, the CDE followed up with a second Notice of Concern dated March 7, 2012, Attachment 4, with a request for additional information specifically: further details on the "program" used to augment the budget; documentation confirming donations and private grant funding; salary reduction details; cash flow details; plans to eliminate the negative fund balance; fundraising details; and identifying local revenue sources.

DTEA's response dated March 14, 2012, is provided as Attachment 5. While DTEA's response included the school's plan to augment the budget, a revised budget and cash flow for the second interim reporting period, general ledger transactions for all revenues, and details regarding staff salaries and reductions, it still lacked the documentation to address the CDE's concerns.

The CDE believes that DTEA has failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement for the following reasons:

- While DTEA has identified plans to eliminate its budget deficit, without supporting documentation that confirms actual grants and donations, the DTEA budget continues to rely on revenues that are not guaranteed. Specifically, the budget includes a total of $50,000 in projected local grant revenue from various sources including Southern California Edison, the NFL Players Association and the Anaheim Angels, and an additional $80,000 in fundraising revenue. The school's cash flow submitted on March 14, 2012, for the second interim reporting period (July 1 through January 31) reflects receipt of approximately $13,000 or 26 percent of local grants and approximately $40,000 or 50 percent of fundraising revenues. The school states that it is currently in the application process for the remaining amounts, however, at this time does not have firm commitments from donors or organizations that may provide local or private grants.

- DTEA has been operating with a negative balance with little empirical evidence of progress towards eliminating the budget deficit. Although the school has submitted details that describe donation and fundraising efforts, without confirmation from donors it is unclear whether the school will have sufficient resources to meet its obligations in the current year and sustain operations in future years.

- Administrative costs appear excessive compared to the number of students served. DTEA employs an executive director and site principal to serve approximately less than 100 students. In total, salaries for these two

BRIEF HISTORY OF KEY ISSUES (Cont.)

administrative positions represent approximately 17 percent of the school's total budgeted revenues in 2011–12.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE authorized DTEA, then known as Micro Enterprise Charter Academy (MECA), on appeal of denial on September 18, 2007. The SBE agenda item and attachments can be found as Item 13 on the SBE September 18–19, 2007, Agenda Web page at http://www.cde.ca.gov/be/ag/ag/yr07/agenda0907.asp. The corresponding minutes for the September 18–19, 2007, SBE meeting can be found on the SBE Minutes Web page at http://www.cde.ca.gov/be/mt/ms/#yr2007.

MECA's petition was denied in June 2005 by the Paramount Unified School District (USD) and in August 2006 by the Los Angeles COE. The ACCS recommended denial of the petition in November 2006 and the petitioners withdrew the petition from the SBE's consideration. A revised charter petition was resubmitted to the Paramount USD and Los Angeles County Office of Education and was denied in February and June 2007 respectfully.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of DTEA, per se, has essentially no fiscal impact on the state as a whole. If affected students were not being served at DTEA, they would most likely be served at another public school. The CDE receives approximately one percent of DTEA's general purpose and categorical program revenues for CDE's oversight activities.

ATTACHMENTS

Attachment 1: Draft Letter to Marvin Smith, Executive Director, Dated May 10,2012: Notice of Violation Pursuant to California *Education Code* Section 47607(d) (3 Pages)

Attachment 2: Notice of Concern Letter Dated October 19, 2011 (3 Pages)

Attachment 3: Doris Topsy-Elvord Academy Response to Notice of Concern Dated November 3, 2011 (2 Pages)

Attachment 4: Notice of Concern Letter Dated March 7, 2012 (4 Pages)

Attachment 5: Doris Topsy-Elvord Academy Response to Notice of Concern dated March 14, 2012 (2 Pages)

ATTACHMENTS (Cont.)

Attachment 6: State Board of Education History Related to Revocation and Relevant Excerpts from Statute (5 Pages)

DRAFT LETTER - NOTICE OF VIOLATION
Pursuant to California *Education Code* Section 47607(d)

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 10, 2012

Marvin Smith, Executive Director
Doris Topsy-Elvord Academy
5951 Downey Avenue
Long Beach, CA 90805

Richard Rydstom, Esq.
Board Chariman, Doris Topsy-Elvord Academy
4695 MacArthur Court,11th Floor,
Newport Beach, Ca 92660

Subject: Notice of Violation Pursuant to California *Education Code* (*EC*) Section 47607(d)

Dear Mr. Smith and Members of the Doris Topsy-Elvord Academy Board of Directors:

The State Board of Education (SBE) is aware of a number of issues indicating that Doris Topsy-Elvord Academy (DTEA) may have committed material violations of the conditions, standards, and procedures set forth in the charter pursuant to *Education Code (EC)* Section 47607(c)(3) . Specifically, the items of concern are as follows:

Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement (*EC* Section 47607[c][3]):

- While DTEA has identified plans to eliminate its budget deficit, without supporting documentation that confirms actual grants and donations, the DTEA budget continues to rely on revenues that are not guaranteed. Specifically, the budget includes a total of $50,000 in projected local grant revenue from various sources including Southern California Edison, the NFL Players Association and the Anaheim Angels, and an additional $80,000 in fundraising revenue. The school's cash flow submitted on March 14, 2012, for the second interim reporting period (July 1 through January 31) reflects receipt of approximately $13,000 or 26 percent of local grants and approximately $40,000 or 50 percent of fundraising revenues. The school states that it is currently in

DRAFT LETTER - NOTICE OF VIOLATION
Pursuant to California *Education Code* Section 47607(d)

the application process for the remaining amounts, however, at this time does not have firm commitments from donors or organizations that may provide local or private grants.

- DTEA has been operating with a negative balance with little empirical evidence of progress towards eliminating the budget deficit. Although the school has submitted details that describe donation and fundraising efforts, without confirmation from donors it is unclear whether the school will have sufficient resources to meet its obligations in the current year and sustain operations in future years.

- Administrative costs appear excessive compared to the number of students served. DTEA employs an executive director and site principal to serve approximately less than 100 students. In total, salaries for these two administrative positions represent approximately 17 percent of the school's total budgeted revenues in 2011–12. Pursuant to *California Code of Regulations*, Title 5, Section 11968.5.2, if the DTEA governing board chooses to respond, it shall take 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 shall be due by the end of the remedy period identified in the Notice of Violation.

  (2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation. DTEA's response should include, at minimum, the following:

     a. Documentation or evidence of commitments associated with the projected grant revenue included in the budget;

     b. Documentation or evidence of commitments associated with the projected fundraising revenue included in the budget;

     c. A detailed plan, based on documented commitments, to eliminate the negative balance in the budget; and

     d. A detailed justification of administrative expenses associated with educational and administrative leadership at DTEA.

DRAFT LETTER - NOTICE OF VIOLATION
Pursuant to California *Education Code* Section 47607(d)

Failure to provide substantial evidence that refutes, remedies, or proposes to remedy the alleged violations may provide grounds sufficient to form the basis for an action to revoke the DTEA charter pursuant to *EC* Section 47607(c).

On **June 20, 2012**, the Advisory Commission on Charter Schools will considered whether there is substantial evidence to refute or remedy each alleged violation, at which time it may recommend to the SBE that it issue a Notice of Intent to Revoke, pursuant to *EC* Section 47607(e). Subsequently, on **July 18, 2012**, 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 19, 2012**, at which time the SBE will determine whether sufficient evidence exists to revoke DTEA's charter. This letter serves as a formal Notice of Violation, pursuant to *EC* Section 47607(d) and *California Code of Regulations*, Title 5, Section 11968.5.2, and provides DTEA 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 by Sue Burr, Executive Director, SBE at 1430 N Street, Ste. 5111, Sacramento, CA, 95814 no later than the close of business (5:00 p.m. Pacific Standard Time) **June 13, 2012.**

If you have any questions regarding this subject, please contact Sue Burr, Executive Director, California State Board of Education, by phone at 916-319-0827 or by e-mail at sburr@cde.ca.gov.

Sincerely,

Dr. Michael Kirst, President
California State Board of Education
MK:jb

State Board of Education History Related to Revocation and Relevant Excerpts from Statute

Since the inception of charter law in California, the State Board of Education (SBE) has acted four times to issue written notices pursuant to *Education Code* (*EC*) Section 47607(d) to charter schools authorized by the SBE.

In two of these cases, the charter schools successfully remedied the violations in the written notices and the SBE subsequently renewed the charters of both schools. Both of these charter schools continue to operate as SBE-authorized charter schools.

In one case, the charter school voluntarily closed prior to the SBE's consideration of evidence that may have remedied the violations.

In one case, the SBE acted to revoke the charter school.

Excerpt from *Education Code* Section 47607: Charter term; renewal; criteria; material revision of charter; revocation

….

(c) A charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

> (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
>
> (2) Failed to meet or pursue any of the pupil outcomes identified in the charter.
>
> (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
>
> (4) Violated any provision of law.

(d) Prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(e) Prior to revoking a charter for failure to remedy a violation pursuant to subdivision (d), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to

revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

Excerpts from California Code of Regulations, Title 5

Article 2. General Provisions
Excerpts from Section 11965: Definitions.

For the purposes of Articles 1, 2 and 2.5, the following definitions shall apply:

….

(a)(3) “State chartering authority” is the State Board of Education (SBE) when the SBE has granted a school’s charter. The SBE acts as a state chartering authority when it approves the operation of a charter school that has been denied by a local educational agency (LEA) and when it approves the operation of a state charter school pursuant to Education Code section 47605.8.

(b) “Final Decision” means the final written decision of the chartering authority to either revoke or decline to revoke a school’s charter.

(c) “Notice of Appeal” means a written document notifying the county board of education or the SBE, as appropriate, that the charter school’s governing body as described in the school’s charter, or the district chartering authority is appealing the decision to revoke or reverse the revocation of a school’s charter.

(d) “Notice of Intent to Revoke” means the written notice of a chartering authority’s decision to pursue revocation of a school’s charter due to the charter school’s failure to remedy one or more violations identified in the Notice(s) of Violation. This notice shall identify all of the following:

(1) All evidence relied upon by the chartering authority in determining that the charter school failed to remedy a violation pursuant to this section;

(2) The date and time at which the chartering authority will hold a public hearing concerning revocation, which shall be held no more than 30 calendar days after the chartering authority issues this notice.

(f) “Notice of Violation” means the written notice of a chartering authority’s identification of one or more specific alleged violations by the charter school based on the grounds for revocation specified in Education Code section 47607(c). This notice shall identify all of the following:

> (1) The charter school’s alleged specific material violation of a condition, standard, or procedure set out in the school’s charter pursuant to Education Code section 47607(c)(1); the specific pupil outcome(s) identified in the school’s charter that the charter school allegedly failed to meet or pursue pursuant to Education Code section 47607(c)(2); the charter school’s alleged fiscal mismanagement or specific failure to follow generally accepted accounting principles pursuant to Education Code section 47607(c)(3); or the specific provision(s) of law that the charter school allegedly failed to follow pursuant to Education Code section 47607(c)(4), as appropriate.
>
> (2) All evidence relied upon by the chartering authority in determining the charter school engaged in any of the acts or omissions identified in subdivision (f)(1) including the date and duration of the alleged violation(s), showing the violation(s) is/are both material and uncured, and that the alleged violation(s) occurred within a reasonable period of time before a notice of violation is issued; and
>
> (3) The period of time that the chartering authority has concluded is a reasonable period of time for the charter school to remedy or refute the identified violation(s). In identifying the time period that will serve as the charter school’s reasonable opportunity to remedy the identified violation(s), the chartering authority shall consider the amount of time reasonably necessary to remedy each identified violation, which may include the charter school’s estimation as to the anticipated remediation time.

….

(i) “School’s charter” is the document approved by the chartering authority, including any material revisions that have been approved by the chartering authority.

Section 11968.5.2: Charter Revocation.
This section sequentially sets forth procedures the chartering authority and the charter school’s governing body as described in the school’s charter shall complete for the revocation of a school’s charter pursuant to Education Code section 47607, except for charter revocation when the violation constitutes a severe and imminent threat to the health or safety of pupils which is subject to section 11968.5.3 rather than this section.

(a) At least 72 hours prior to any board meeting in which a chartering authority will consider issuing a Notice of Violation, the chartering authority shall provide the charter school with notice and all relevant documents related to the proposed action.

(b) The chartering authority shall deliver a Notice of Violation to the charter school's governing body as described in the school's charter.

(c) Upon receipt of a Notice of Violation, the charter school's governing body as described in the school's charter, if it chooses to respond, shall take the following actions:

> (1) Submit to the chartering authority 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 shall be due by the end of the remedy period identified in the Notice of Violation.
>
> (2) Attach to its written response supporting evidence of the refutation, remedial action, or proposed remedial action, if any, including written reports, statements, and other appropriate documentation.

(d) After conclusion of the reasonable opportunity to remedy, the chartering authority shall evaluate the response of the charter school's governing body as described in the school's charter response to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:

> (1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's governing body as described in the school's charter; or
>
> (2) Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's governing body as described in the school's charter.

(e) If the chartering authority does not act, as specified in subdivision (d), within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, the revocation process is terminated and the Notice of Violation is void.

(f) On the date and time specified in the Notice of Intent to Revoke, the chartering authority shall hold a public hearing concerning revocation. No more than 30 calendar days after the public hearing (or 60 calendar days by written mutual agreement with the charter school) the chartering authority shall issue a Final Decision.

(g) The chartering authority shall provide a copy of the Final Decision to the CDE and its county board of education (unless the county board of education is also the chartering authority), within 10 calendar days of issuing the Final Decision.

(h) If the chartering authority does not act to issue a Final Decision within the timeframe specified in subdivision (f), the revocation process is terminated and the Notice of Intent to Revoke is void.

CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Notice of Concern Letter Dated October 19, 2011

October 19, 2011

Marvin Smith, Executive Director
Doris Topsy-Elvord Academy
5951 Downey Avenue
Long Beach, CA 90805-4518

Dear Mr. Smith:

The purpose of this letter is to express concern for Doris Topsy-Elvord Academy (DTEA), to outline specific areas of concern in need of improvement, and to present a course of action to attempt to remedy these concerns.

As background, DTEA has struggled financially since 2008–09, its first year of operation. In the subsequent year, 2009–10, the school's financial trends showed signs of improvement; however, in 2010–11 the financial picture worsened again. The California Department of Education (CDE) continues to have concerns about DTEA's ability to sustain operation and successfully implement its school program as set forth in the petition.

On October 5, 2011, the CDE contacted Sonali Tucker, the account manager for Charter School Management Corporation, and Marvin Smith, Executive Director, requesting details and assumptions to support the revenues and expenditures on the 2010–11 unaudited actuals and the 2011–12 preliminary budget report.

We received our requested information on October 12, 2011. After careful analysis we find the following areas of concern:

- Estimated drop in average daily attendance (ADA) of 23.5 percent (based on enrollment of 89 students and a 95 percent attendance rate)

- Estimated budget gap of approximately $170,000

- Reduction in ADA reflects decreased revenues of approximately:

    - $151,000 to $156,000 in General Purpose Entitlement
    - $12,000 in Categorical Block Grant
    - $3,700 in Lottery Funds
    - $3,700 in New School Supplemental Block Grant

    Other revenues impacted, but not included in the $170,000

    - Special Education Local Plan Area
    - Facility Grant
    - In-lieu Economic Impact Aid
    - Child Nutrition

- No detail regarding the following local revenues

    - $50,000 Other Grants
    - $80,000 Fundraising (amount is consistent with prior year total)

- Current staffing may not be reflective of the petition.
  For example, the principal/instructional leader position has been advertised since June 22, 2011.

- The staffing level of seven teachers seems high given current enrollment of 89 students.

Given the school's negative beginning balance of $169,036, the CDE is concerned that DTEA may not have sufficient resources to continue its operations successfully during the current school year without immediate action.

To remedy these concerns the CDE is requesting that DTEA provide the following items:

- A narrative explaining how the school plans to adjust and balance its school budget, including details on how the negative fund balance will be eliminated.

- A revised budget with enrollment and ADA adjusted to reflect current counts. For budget purposes, ADA should be budgeted at no more than 91 percent based on prior year trends. The CDE would expect to see appropriate reductions to expenditures, including staffing, in order to achieve a balanced budget.

- Board minutes reflecting approval of the amended budget and board discussion regarding the proposed plan to address and eliminate the budget deficit.

- A detailed list of school staff reflective of the charter petition and aligned with amended budget.

A written response and supporting evidence addressing each of the above-outlined issues must be received by Bonnie Galloway, 1430 N Street, Ste. 5401 Sacramento, California 95814 no later than the close of business (5:00 p.m. Pacific Standard Time) on **Friday, November 4, 2011.**

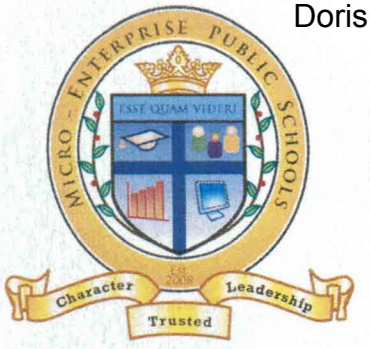
If DTEA is unable to make these changes or otherwise remedy each of the concerns raised by the CDE, the CDE will request that the SBE consider these matters for possible action.

If you have any questions regarding this subject, please contact me by phone at 916-319-0774 or by email at swork@cde.ca.gov.

Sincerely,

Stephen Work, Education Programs Consultant
Charter Schools Division

Doris Topsy-Elvord Academy Response to Notice of Concern Dated November 3, 2011



Doris Topsy-Elvord Academy

a Micro-Enterprise Public School

Address:
DTEA
5951 Downey Avenue
Long Beach, CA 90805

Phone:
562-630-6096
562-630-6038 fax

www.gomeca.org

November 3, 2011

Ms. Bonnie Galloway
Charter School Division
California Department of Education
1430 N. Street, Suite 5401
Sacramento, CA 95814

Dear Ms. Galloway:

This letter is in response to Stephen Work, California Department of Education's correspondence dated October 19, 2011 (attached) and is intended to specifically address concerns expressed in that communication. As you will see, our board has taken immediate action directing and authorizing measures to address all of the expressed concerns.

The following were steps taken to remedy the California Department of Education's (CDE) concern:

Adjustment and Balance of the Budget

- Problem
  - Budget did not adequately address average daily attendance (ADA) requirements
- Background
  - ADA was misaligned due to reduction in students and ADA prior year trend of 91%
  - Student/Teacher Ratio out of proportion
- Corrective Action
  - Eliminated two teacher positions
  - Reduction of executive director's salary
  - Reduction in all staff salaries by 7%
- Results Achieved
  - Balanced Budget
  - Small Cash Reserve

Board Minutes

Our board takes seriously the concerns and direction expressed in the letter, and has had two official meetings, with the full board present to address this situation. The board, in separate meetings, voted to… a) direct and authorize me to do what was necessary to eliminate our budget deficit while maintaining an alignment with our petition, and b) approve an amended budget that reflected that order.

Detailed List of Staff

Attached you will find a list of our entire staff as it pertains to our charter. Their educational background, unique qualifications are key elements in support of our petition. Their credentials speak for themselves, what cannot be reflected in their credentials is the care and concern they give to our students and parents each and every day, above and beyond the normal call of duty.

Additionally, our board and staff is currently engaged in a program to augment our budget with an aggressive plan of action to close any budget gaps. We have three-year projection of funding from major donors including the National Football League Players Association, Los Angeles Angels of Anaheim, and Southern California Edison.

Background

Doris Topsy-Elvord Academy (DTEA) petition under Element 1 - Statement of Need, communicates purpose of location and target market. After three years of having the opportunity to analyze our data, we have discovered, and have a clear understanding, of the area we serve. With a drop in ADA, it must be noted and recognized, according to DTEA's petition, major emphasis to strategically recruit students from the local subsidized housing complexes was at the forefront of recruitment. We discovered nuances that affected DTEA's grass-root recruitment outreach… high turnover in management and occupancy within these complexes. We have been marketing to a sub-culture within a culture, whereby requires a different type of outreach and resources. Additionally, with DTEA not having a high school, parents are reluctant to enroll their child, and not having a designated pipeline of elementary school students has affected ADA at the core. Moving forward, DTEA's student recruitment strategy is inclusive broadening its efforts to fully outreach the surrounding communities.

We thank you for taking the time to review the needs of our school and the students that we are mutually concerned for. After a review of our remedies, we hope that you will agree that our plan sufficiently addresses your specific areas of interest, while allowing us to maintain the integrity of our mission and our charter. Should you have any questions, please don't hesitate to contact me.

Sincerely,

Marvin L. Smith, M.A.
Founder and Executive Director
Doris Topsy-Elvord Academy
A Micro Enterprise School

Attachments: Amended budget, board agendas, board minutes, staff list

Notice of Concern Letter Dated March 7, 2012

March 7, 2012

Doris Topsy-Elvord Academy (DTEA)
Review of Data Submitted in Response to Letter of Concern

In response to the items identified in the California Department of Education (CDE) Letter of Concern, DTEA submitted information as outlined below. CDE finds that the data submitted does not provide enough detail to fully address all identified concerns. Please review the following and respond to our request for greater detail **no later than 5:00 p.m. March 15, 2012** along with your second interim budget report.

Detail regarding CDE requests and DTEA responses:

- *CDE Request: A narrative explaining how the school plans to adjust and balance its school budget, including details on how the negative fund balance will be eliminated.*

  DTEA Response: DTEA's letter dated November 3, 2011, identified corrective action to the budget to include reduction of two teacher positions, reduction of executive director's salary and reduction in all staff salaries by 7 percent; no other adjustments to expenditures are detailed. The letter explains that DTEA's governing board and staff are engaged in a program to augment the budget however, no supporting details are provided; the letter also identifies a three-year projection of funding from major donors including the National Football League Players Association, Los Angeles Angels of Anaheim and Southern California Edison, however no confirmation of such donations is provided.

  Further Details Required by CDE to Address Concern:
  - Information regarding the "program" that will be used augment the budget.
  - Documentation from major donors that confirms amounts and terms of any donation or private grant funding.

- *CDE Request: A revised budget with enrollment and ADA adjusted to reflect current counts. For budget purposes, ADA should be budgeted at no more than 91 percent based on prior year trends. The CDE would expect to see appropriate reductions to expenditures, including staffing, in order to achieve a balanced budget.*

  DTEA Response: DTEA's response included an amended budget and cash flow. As requested by CDE, the school's average daily attendance

used for financial projections was reduced to reflect actual enrollment of 88 and 91 percent average daily attendance.

The reduction in average daily attendance resulted in decreased revenues of $209,752. Expenditure reductions totaled $148,915, of this amount $123,548 is attributable to reductions in certificated and classified salaries, and respective employee benefits.

The budget identifies $50,000 in local grants from the NFL Players Association, Southern California Edison and the Anaheim Angels, and an additional $80,000 in fundraising revenues. Together these two revenue sources account for approximately 15.3 percent of DTEA's total budgeted revenues, however, no details are provided to confirm actual grant award amounts or local fundraising efforts.

The school's first interim report dated December 15, 2011, reflects receipt of $47,497 in local revenue, however, since no details are provided the source of this revenue is unclear.

Further Details Required by CDE to Address Concern:

- Documentation from major donors that confirms amounts and terms of any donation or private grant funding.
- Details regarding DTEA's fundraising efforts
- Details that identify sources of local revenues received to date

- *CDE Request: Board minutes reflecting approval of the amended budget and board discussion regarding the proposed plan to address and eliminate the budget deficit.*

DTEA's response included information regarding two board meetings, October 25, 2011, and November 2, 2011. Meeting agendas and meeting minutes documenting the board's discussion and action were included.

In summary, the October 25th meeting minutes reflect discussion about the letter of concern, potential budget remedies, and student recruitment; no board action was taken on this date.

The November 2nd meeting minutes reflect review of DTEA's draft written response to CDE, discussion and approval of amended budget and further discussion on recruitment strategies. One point of discussion identified in the minutes states "Explain how the negative balance would be eliminated", however no details regarding this discussion were included and no board action was taken on this matter.

Further Details Required by CDE to Address Concern:

- Details regarding DTEA's proposed plan to address and eliminate the negative fund balance.

- *CDE Request: A detailed list of school staff reflective of the charter petition and aligned with amended budget.*

DTEA's response: Information submitted to CDE included a detailed salary schedule identifying salary levels for all employees, an amended budget and amended cash flow statement.

As submitted, salaries are aligned with the amended budget, however, it is unclear whether the budget accurately reflects savings for reduced salaries and employee benefits. Adjustments to budgeted staffing levels and salaries included elimination of 2 teaching positions, a 7 percent annual salary reduction for all certificated and classified staff, and a 16.67 percent annual salary reduction for the Executive Director. These reductions do not appear consistent with the reductions of 8 percent and 20 percent, respectively, identified in the November 2, 2011, board minutes.

The staffing reductions along with salary and employee benefit adjustments result in annual budget savings of $123,548, however, exact savings for 2011-12 is unclear based on information submitted. More specifically, the revised cash flow statement reflects salary savings in the months of July through October prior to the date when reductions were implemented. It would be typical for the cash flow statement to identify actual costs in prior months therefore it is unclear whether the entire $123,548 savings will be realized in 2011-12. More specifically, it appears that expenditures reflected on the cash flow statement for salaries and benefits during the months of July through October may be understated by approximately $28,000. This may result in actual annual savings of $95,538 instead of the projected $123,548.

At the reduced level of savings, current year expenditures would be aligned with current year revenues with a surplus of $33,187. However, this surplus is not sufficient to cover the recommended level of reserves, identified in 5 CCR Section 15450 as the greater of 5 percent of expenditures or $55,000, and does not eliminate the negative beginning fund balance of $(163,524). No details are provided that would explain how the negative balance will be addressed or eliminated.

Further Details Required by CDE to Address Concern:

- Specific details regarding the timing of salary reductions, including whether reductions were applied to the months of July through October
- Actual cash flow details, to date, for all revenues and expenditures
- Details regarding DTEA's proposed plan to address and eliminate the negative fund balance.

Doris Topsy-Elvord Academy Response to Notice of Concern Dated March 14, 2012

Doris Topsy-Elvord Academy

a Micro-Enterprise Public School

Address:
DTEA
5951 Downey Avenue
Long Beach, CA 90805

Phone:
562-630-6096
562-630-6038 fax

www.gomeca.org

March 14, 2012

Mr. Stephen Work
Charter School Division
California Department of Education
1430 N. Street, Suite 5401
Sacramento, CA 95814

Dear Mr. Work:

This letter is in response to CDE's fiscal review concerns requesting additional information to our response letter dated November 3, 2011, addressing CDE's original letter of concern dated October 19, 2011.

Our board is truly concerned about our bottom line. Addressing our budget concerns and the elimination of our negative fund balance is a priority action item of our board. Various options are being explored. Our board is acting upon the issues noted.

The original request was based upon… **Adjustment and Balance of the Budget**

- **Problem**
  - Budget did not adequately address average daily attendance (ADA) requirements
- **Background**
  - ADA was misaligned due to reduction in students and ADA prior year trend of 91%
  - Student/Teacher Ratio out of proportion
- **Corrective Action**
  - Eliminated two teacher positions
  - Reduction of executive director's salary by 20%
  - Reduction in all staff salaries by 7%
- **Results Achieved**
  - Balanced Budget
  - Small Cash Reserve

The following additional information is supplied in response to your request:

- CDE request information regarding the "program" that will be used to augment the budget and help eliminate the negative fund balance.
  - In understanding the urgency of the fiscal matters of our school, the "program" that is being used at this time is board members personal commitment giving level. The board has pushed to be committed to maximum giving over the next 3 years. Each board member is required to give to the best of their ability, but at a minimum of $2,500 per year.

- Relationship Gifts Solicitation - Our board is focused on reaching out/solicit to strategic individuals who they have personal relationships that can help support our plan of reaching other individuals to support our needs.
- Partnered with Claremont Graduate University, School of Education. We are in discussion of fundraising efforts to create a cash reserve to help support growth and our teacher training program that was implemented this school year. As details are completed on the fund development program, it will be reported to CDE as our on-going effort to communicate our progress.
- Fundraising Carnival – April 15-18, we are hosting a fundraising carnival in the local neighbor supported by the city councilmember of our district. This event is estimated to net our school between $15,000 to $20,000.
- As of to date, we are actively in the submittal windows for grants from the following organizations:
  - $5,000 donation received from Doris Topsy-Elvord
  - Edison Grant - $5,000: Ben Harvey, Region Manager
  - Verizon Foundation - $20,000: Mike Murphy, Regional Director
  - Majestic Realty Foundation - $10,000: John Semeken, Vice President
  - Capital Group Companies - $5,000 Employee Giving, $10,000 Grant: Jason Bolden, Capital Group Associate
  - Angels Baseball Foundation - $10,000: Tim Mead, Board Member
  - NFLPA Pro Athletes Foundation - $15,000: Demurice Smith, Exec. Director
- Major efforts have been employed to recruit students to raise our enrollment and major emphasis have been placed on raising ADA percentages by engaging parents and students, reminding them of the importance of being at school on time to learn. To date, we have increased our enrollment an additional 20 students, now at 108.
- Detailed sources of local revenues can be seen on the detailed cash-flow budget.
- The salary reduction was a back-office tabulation error. The request from administration went to the back-office and the report received was calculated at 8%, on that report was a mistake for the executive director's salary where the request was made again to be at 20%. Back-office implemented change into the budget.
- From information supplied by the back-office, there was no salary reductions applied to the months of July through October. The timing of salary reductions were made based on budget adjustments at that time.
- Actual cash flow details to date for all revenues and expenditures are attached.
- Attached are support documents.

Again, we thank you for taking the time to review the needs of our school and the students that we are mutually concerned for. It is our hope that you will agree that our plan forward is a living and active plan based on human capital acting upon the issues at hand and sufficiently analyzing data making corrections, while at the same time, allowing us to maintain the integrity of our mission and our charter. Should you have any questions, please don't hesitate to contact me.

Sincerely,

Marvin L. Smith

Marvin L. Smith, M.A.
Executive Director
Doris Topsy-Elvord Academy

Attachments: 2nd Interim Report, Cash Flow, General Ledger, CSMCI Salary Reductions Worksheet

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Lifeline Education Charter School: Hold a Public Hearing to Consider a Petition to Renew Charter Currently Authorized by the State Board of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUES

Lifeline Education Charter School (Lifeline) (county-district-school code 19 76497 0115725) is currently a State Board of Education (SBE)-authorized charter school, with a charter term that expires on June 30, 2012. The school serves students in grades six through twelve and its 2011 Growth Academic Performance Index (API) is 655.

Pursuant to California *Education Code (EC)* Section 47605(k)(3), which requires an SBE-authorized charter school to submit a renewal petition to the authority that originally denied the charter, Lifeline submitted a renewal petition to the Compton Unified School District (Compton USD), and was denied by the district on December 13, 2011, by a vote of seven to zero.

If a 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 to the SBE. Therefore, Lifeline was not required to submit its appeal to a county office of education.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing and approve the Lifeline charter renewal petition, with the condition that the school fully implements, on the first day of instruction, the plan submitted by the school to address concerns raised by the CDE regarding teacher credentialing. Prior to the beginning of the upcoming school year, CDE staff will review Lifeline's compliance with the plan.

RECOMMENDATION (Cont.)

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the Lifeline petition at its April 11, 2012, meeting. The ACCS recommended approval of the Lifeline charter renewal petition to the SBE by a vote of five to one.

BRIEF HISTORY OF KEY ISSUES

Lifeline submitted its renewal appeal, refer to Attachment 4, to the CDE on January 4, 2012.

Before it can be considered for renewal, a charter school that has been in operation for four years shall meet at least one of four criteria outlined in *EC* Section 47607(b). Lifeline has met two of the four criteria as follows (Attachment 3, Tables 9–11 provide additional data):

Requirement 1: Attain its API growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

Met: Lifeline has attained its API growth target in the aggregate for the prior three years. Lifeline attained an aggregate of 73 points of API growth in the 2008–11 API cycles, while the aggregate targeted growth for the same cycles was 29 points.

During this time, the school met its annual API growth target once in the 2009–10 school year.

Requirement 2: Rank in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

Not Met: During the 2008–11 academic years, Lifeline attained an API decile rank of 1 (2008 and 2009) and rank of 2 (2010).

Requirement 3: Rank in deciles 4 to 10, inclusive, on the API for a demographically comparable school API in the prior year or in two of the last three years.

Not Met: During the 2008–11 academic years, the school's API decile rank for a demographically comparable school API rank was 1.

BRIEF HISTORY OF KEY ISSUES (Cont.)

Requirement 4: The entity that granted the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

Met: Lifeline is a neighborhood school, with 90 percent of enrollees residing within the boundaries of the Compton USD. Lifeline targets and serves students at risk of dropping out of high school and those who have been underserved by the traditional public school system. The students participate in the continually monitored and adjusted Prescriptive Individual Learning Plans. The CDE has determined that the academic performance of Lifeline is at least equal to the academic performance of the public schools pupils would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter school is located, taking into account the composition of the pupil population that is served at the charter school.

During the petition evaluation process, the CDE has determined that not all of Lifeline teachers hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold as prescribed in *EC* Section 47605(l) and further expanded in *EC* Section 47605(b)(5)(E). Specifically, the CDE identified misalignments between job assignments and credentials. The Letter of Concern sent to the school on March 21, 2012, addressed faculty teaching outside of their area of authorization and requested clarifications on credentials held by faculty members.

The school administration has since responded to the Letter of Concern and addressed most of the concerns raised by the CDE. In addressing the remaining concerns, the school administration has agreed to provide the CDE with the following information:

- Class roster indicating a faculty member serving as the primary teacher of the fifth period sixth-grade mathematics class.
- Proof that a previously-identified faculty member has taken or is scheduled to take the California Subject Examination for Teachers in Foundational Level Mathematics.
- Full credentialing details for the physical education teacher who will be teaching the fifth period physical education class.

BRIEF HISTORY OF KEY ISSUES (Cont.)

Attachment 2 summarizes the CDE staff review of the charter petition when evaluated against the 16 required elements for renewal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Lifeline appealed to the SBE in September 2007 and was initially granted a one-year term by the SBE. In January 2008, the SBE granted Lifeline a two-year extension until June 30, 2010, bringing its term under the SBE to three years. In July, 2010, the SBE extended Lifeline's charter for two additional years until June 30, 2012, bringing its total current term under the SBE to five years.

Currently, 33 charter schools operate under SBE authorization as follows:

- Three statewide benefit charters, operating a total of 13 sites
- One countywide benefit charter
- Nineteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, this school would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: Letter of Concern for Lifeline Education Charter School (2 Pages)

Attachment 2: California Department of Education Charter School Renewal Petition Review Form: Lifeline Education Charter School (31 Pages)

Attachment 3: Lifeline Education Charter School Data Tables (11 Pages)

Attachment 4: Lifeline Education Charter School Charter Petition (94 Pages)

ATTACHMENTS (Cont.)

Attachment 5: Compton Unified School District Findings for Denial and Petitioner's Response (20 Pages)

Attachment 6: State Board of Education Standard Conditions on Opening and Operation (3 Pages)

California Department of Education
Charter School Renewal Petition Review Form:
Lifeline Education Charter School

Key Information	
Grade Span and Enrollment	Lifeline Education Charter School (Lifeline) (county-district-school code 19764970115725) serves 296 students in grades six through twelve.
Location	Lifeline is located in Compton, California. The school operates on two campuses separately serving middle school and high school students.
Brief History	▪ Lifeline was initially chartered by the Gorman Elementary School District in 2002. ▪ Because of geographical restrictions imposed by California *Education Code* (*EC*) Section 47605.1 (pursuant to Assembly Bill 1994, passed in 2002), the school was required to seek a new authorizer where the school is geographically located for the 2007–08 school year. Lifeline petitioned the Compton Unified School District (Compton USD) and was denied by the district in March 2007 and was subsequently denied by the Los Angeles County Board of Education in June 2007. ▪ Lifeline appealed to the State Board of Education (SBE) in September 2007 and was initially granted a one-year term by the SBE. In January 2008, the SBE granted Lifeline a two-year extension until June 30, 2010, bringing its term under the SBE to three years. In July, 2010, the SBE extended Lifeline's charter for two additional years until June 30, 2012, bringing its total current term under the SBE to five years. ▪ Pursuant to *EC* Section 47605(k)(3), Lifeline submitted its renewal petition to the Compton USD, and was subsequently denied by the district on December 13, 2011. Lifeline submitted an appeal to the SBE on January 4, 2012.
Lead Petitioner	Paula DeGroat, Executive Director, Lifeline Education Charter School

California Department of Education Staff Review Summary for the Required Charter Elements Under California *Education Code* (*EC*) Section 47605(b)		
	Required Charter Elements Under *EC* Section 47605(b)	**Meets Requirements**
	Sound Educational Practice	Yes
	Ability to Successfully Implement the Intended Program	Yes
	Affirmation of Specified Conditions	Yes
1	Description of Educational Program	Yes
2	Measureable Pupil Outcomes	Yes
3	Method for Measuring Pupil Progress	Yes
4	Governance Structure	Yes
5	Employee Qualifications	No
6	Health and Safety Procedures	Yes
7	Racial and Ethnic Balance	Yes
8	Admission Requirements	Yes
9	Annual Independent Financial Audits	Yes
10	Suspension and Expulsion Procedures	Yes
11	Retirement Coverage	Yes
12	Public School Attendance Alternatives	Yes
13	Post-employment Rights of Employees	Yes
14	Dispute Resolution Procedures	Yes
15	Exclusive Public School Employer	Yes
16	Closure Procedures	Yes
	Standards, Assessments, and Parent Consultation	Yes
	Employment is Voluntary	Yes
	Pupil Attendance is Voluntary	Yes
	Effect on Authorizer and Financial Projections	Yes
	Academically Low Achieving Pupils	Yes
	Teacher Credentialing	No
	Transmission of Audit Report	Yes

Overall California Department of Education Evaluation

Lifeline serves students in sixth through twelfth grades on two campuses in Compton. The school has no current plans to expand**.**

In considering this charter renewal petition, the California Department of Education (CDE) reviewed:

- The Lifeline charter renewal petition
- Lifeline charter budget information
- Lifeline and Compton USD statewide assessment results
- Compton USD's reasons for denial and Lifeline's response
- Lifeline employee credentialing

Sixteen Elements

The CDE believes that Lifeline's charter renewal petition is consistent with sound educational practice and that the petitioners are likely to successfully implement the program.

During the petition evaluation process, the CDE has determined that not all of Lifeline teachers hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold as prescribed in *EC* Section 47605(l) and further expanded in *EC* Section 47605(b)(5)(E). Specifically, the CDE identified misalignments between job assignments and credentials. The Letter of Concern sent to the school on March 21, 2012, addressed faculty teaching outside of their area of authorization and requested clarifications on credentials held by faculty members.

The school administration has since responded to the Letter of Concern and addressed most of the concerns raised by the CDE. In addressing the remaining concerns, the school administration has agreed to provide the CDE with the following information:

- Class roster indicating a faculty member serving as the primary teacher of the fifth period sixth-grade mathematics class.

- Proof that a previously-identified faculty member has taken or is scheduled to take the California Subject Examination for Teachers in Foundational Level Mathematics.

- Full credentialing details for the physical education teacher who will be teaching the fifth period physical education class.

Attachment 2 summarizes the CDE staff review of the charter petition when evaluated against the 16 required elements for renewal.

Requirements for State Board of Education Authorized Charter Schools

Sound Educational Practice	***EC* Section 47605(b)** ***California Code of Regulations*, Title 5 (*5 CCR*) Section 11967.5.1(a) and (b)**
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE. For purposes of *EC* Section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either of the following: (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend.	
Is the charter petition "consistent with sound educational practice?"	**Yes**

Comments:

The CDE finds Lifeline charter renewal petition to be consistent with sound educational practice. The proposed educational program is purported to be aligned with the standards and is grounded in the four interconnecting pedagogical cornerstones of (a) teaching through conversation and hands on experience; (b) teaching complex thinking; (c) connecting school to student's life; and (d) connecting the student and the child. Lifeline also incorporates Prescriptive Individual Learning Plans (PILP) for all students.

The Lifeline charter renewal petition proposes to serve students in grades six through twelve. The targeted population reflects the ethnic, cultural, and economic diversity of Compton, the area where the school sites are located and is summarized in Attachment 3, Table 9. Additional socioeconomic and academic achievement data for Lifeline and surrounding schools where the students would otherwise attend are contained in Attachment 3, Tables 1–8.

Ability to Successfully Implement the Intended Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program." (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control. (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school. (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified). (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.	
Are the petitioners likely to successfully implement the program?"	**Yes**

Comments:

The Lifeline charter renewal petition demonstrates that the petitioners are likely to implement the program as set forth in the charter petition. In addition, Lifeline does not exhibit any fiscal deficiencies and maintains acceptable average daily attendance rates.

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in (*EC* Section 47605[d])"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).	
(1) [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.	Yes
(2)(A) A charter school shall admit all pupils who wish to attend the school. (B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. (C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.	Yes

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to (*EC*) Section 48200.	Yes
Does the charter petition contain the required affirmations?	**Yes**

Comments:
The Lifeline charter renewal petition contains all of the required affirmations.

The 16 Charter Elements

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program…, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Yes
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Yes
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Yes
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Yes
(G) Indicates how the charter school will meet the needs of students with disabilities, EL, students achieving substantially above or below grade level expectations, and other special student populations.	Yes

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Yes
If serving high school students, describes how district/charter school informs parents about: • transferability of courses to other public high schools; and • eligibility of courses to meet college entrance requirements Courses that are accredited by the Western Association of Schools (WASC) and Colleges may be considered transferable, and courses meeting the University of California (UC)/California State University (CSU) "a-g" admissions criteria may be considered to meet college entrance requirements.	Yes
Does the petition overall present a reasonably comprehensive description of the educational program?	**Yes**

Comments:

The school's self-stated purpose is to motivate individual students to become life-long learners and productive and contributing citizens of their communities. Furthermore, Lifeline's mission is to become a thriving learning community providing students with both education and real world learning opportunities that will engage the whole child in the learning process.

Lifeline primarily serves the residents of Compton and continues to "focus its resources and efforts on the 'at risk' student population and the inclusion of those students who have not been able to obtain an education that challenges their academic, social, and moral potential through traditional resources of public or private education." Less than 60 percent of Compton's adult residents are high school graduates and the per capita income for all residents is substantially less than half of the state's average (Attachment 3, Table 10).

The city also experiences a violent crime rate more then three times higher than the state average (Attachment 3, Table 11). Furthermore, in contrast to Lifeline, all of Compton USD's middle and high schools are in their fifth year of PI (Attachment 3, Table 5).

The educational program at the school centers on the unique needs of at-risk students and consists of seven distinct foci:

1. Academics
    a. Standards-aligned curricula
    b. Continuing individual progress monitoring (data-driven instruction)
    c. Employing a variety of instructional strategies
    d. Implementing timely and attainable academic performance goals
    e. Developing and integrating problem-solving skills for all students

2. Project-based Learning
    a. Team explorations of real-world problems leading to:
        i. Deeper knowledge of subject matter
        ii. Increased self-direction and motivation
        iii. Improved research and problem-solving skills

3. Technology
    a. Successfully integrating educational technology leading improvements in:
        i. Student motivation
        ii. Student retention

4. Life Skills
    a. Promoting positive self-esteem, self-awareness, and motivation
    b. Building ethics and decision-making skills
    c. Emphasizing written and verbal communication
    d. Learning and teaching from one another

5. Character Building
    a. Promoting core ethical values
    b. Providing positive role models

6. Community Service
    a. Assisting the local community in its multiple needs
    b. “Opening students’ eyes” to the challenges facing Compton’s residents

7. Partnerships
    a. Collaboratively working with parents and community leaders
    b. Jointly with multiple stakeholders showcasing the value of education
    c. Encouraging parents, civic leaders, and teachers to act as role models

Both middle and high school sites are several times smaller in comparison to traditional high schools that Lifeline students would otherwise attend (Attachment 3, Table 1). The teachers work in teams to create curricula aligned with academic content standards. The CDE staff has verified that the school is in the process of obtaining WASC

accreditation with the initial visit scheduled for Fall of 2012. Furthermore, the school offers “curriculum aligned with the University of California a-g requirements.”

Plan for Low-Achieving Students

Lifeline has developed a number of strategies to identify low-achieving students and to address their pedagogical needs. These support strategies include tutoring either after school, during lunch or elective time. The students also participate in such programs as SRA Reach, Language!, and the After-School Education and Safety Program. Teachers also meet with parents, other teachers, and school directors to discuss strategies to support student learning. Lifeline’s focus on small class size allows teachers to provide extra support on basic skills and projects.

Plan for High-Achieving Students

Lifeline encourages its high-achieving students “… to attend El Camino College - Compton Campus to take on more challenging curriculum, work on their high school credits, and work on their college credits.” Completing such coursework is meant to empower Lifeline’s high-achieving students to take on a full range of courses at the community college including various electives, vocational courses, and college-preparatory courses.

Plan for English Learners

English learner (EL) students receive support both inside and outside their core academic classes. Specifically Designed Academic Instruction in English methods and multiple other instructional methods are incorporated in daily instruction. Further, the lessons and assessments are differentiated for EL students. Lifeline’s charter renewal petition provides a comprehensive description of serving EL students.

Plan for Special Education Students

To meet the needs of special education students and acting as its own local education agency, Lifeline independently contracts with such certified related services professionals, as school psychologists, nurses, speech pathologists, adaptive physical education teachers, and occupational therapists. The school has hired a full-time Special Education Administrator, a position funded and trained by the El Dorado County Office of Education Special Education Local Plan Area, of which Lifeline is a member.

2. Measureable Pupil Outcomes	***EC* Section 47605(b)(5)(B)** **5 *CCR* Section 11967.5.1(f)(2)**
Evaluation Criteria Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	Yes
(B) Include the school's API growth target, if applicable.	Yes
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**Yes**

Comments:

The CDE evaluated and assessed the measurable pupil outcomes presented in the 2007 charter petition which were identical to the measurable pupil outcomes presented in the 2012 charter petition.

Table 1: Lifeline 2007–12 Measurable Pupil Outcomes	
2007–12 Measurable Pupil Outcome	**CDE Assessment**
75 percent of students demonstrate subject competence all core subjects in year one by scoring basic or above in STAR subject exam.	Not Met*. During year 1 (2007–08), 184 students participated in 21 various STAR examinations. Only the seventh grade class (31 students), performed at the stated level of competency on one of its examinations (English-Language Arts). The stated level of performance was not achieved on other examinations.

Table 1: Lifeline 2007–12 Measurable Pupil Outcomes	
2007–12 Measurable Pupil Outcome	**CDE Assessment**
95 percent of students demonstrate competence in all core subjects by year three as measured by scoring basic or above in STAR subject exam.	Not Met*. During year 3 (2009–10), 242 students participated in 21 various STAR examinations. The stated level of competency was not achieved on any of the examinations.
35 percent of students scoring at proficient or above at year one, and by year three, 50 percent of students scoring proficient or above.	Not Met*. During years 1 and 3, the expected level of performance was achieved on 4.8 percent of examinations (1 out of 21) each year.
Incidents resolved through conflict resolution.	The petitioners did not provide relevant data.
95 percent participation in community service activities	The petitioners did not provide relevant data.
Less than two percent of students suspended or expelled	Not Met*. The expected rate of suspensions or expulsions was not met during the three most recent academic years for which data is available.
95 percent or higher attendance rate	Not Met*. Lifeline reported attendance rates between 91 and 94 percent.
75 percent of students continuing education post high school.	Yes (school-reported). Lifeline staff reported to the CDE that the expected level of continuing education post high school was achieved by the class of 2011. The classes of 2009 and 2010 did not achieve expected levels of continuing education post high school.
100 percent promotion rate.	Not met*. 100 percent graduation rate was not achieved during any of the academic years for which data is available.
95 percent participation in community service projects by year five.	The petitioners did not provide relevant data.
10 percent reduction in classroom discipline referrals by year five.	The petitioners did not provide relevant data.
Source: * - California Department of Education (CDE), DataQuest, Retrieved 02/20/2012 from the CDE DataQuest Web page at http://dq.cde.ca.gov/dataquest/.	

3. Method for Measuring Pupil Progress	***EC* Section 47605(b)(5)(C)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Yes
(B) Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.	Yes
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	Yes
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the methods to be used for measuring student progress. Key methods of measuring student progress include:

- STAR program
- California English Language Development Test (CELDT)
- Student Portfolios
- Physical Fitness Test
- California High School Exit Examination

4. Governance Structure	***EC* Section 47605(b)(5)(D)** **5 *CCR* Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	Yes
Does the petition present a reasonably comprehensive description of the school's governance structure?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the school's charter governance structure. The school operates as a California nonprofit public benefit corporation. The governing board contains parent members, as well as representatives of the business community and civic leaders.

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications (of the school's employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	Yes

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	Yes
Does the petition present a reasonably comprehensive description of employee qualifications?	**No**

Comments:

The CDE had concerns regarding teacher assignment and credentialing as indicated in its letter of concern to Lifeline dated March 21, 2012, (Attachment 1). Lifeline administration has addressed most of concerns raised by the CDE and is in the process of addressing remaining concerns.

6. Health and Safety Procedures	**EC Section 47605(b)(5)(F)** **5 CCR Section 11967.5.1(f)(6)**
Evaluation Criteria The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis (TB) as described in *EC* Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Yes

6. Health and Safety Procedures	**EC Section 47605(b)(5)(F) 5 CCR Section 11967.5.1(f)(6)**
Does the petition present a reasonably comprehensive description of health and safety procedures?	**Yes**

Comments:

The Lifeline charter renewal petition specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for the coverage have been made.

7. Racial and Ethnic Balance	***EC* Section 47605(b)(5)(G) 5 *CCR* Section 11967.5.1(f)(7)**
Evaluation Criteria Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school. The CDE has found that Lifeline's student population is generally representative of that of Compton USD, with a somewhat heavier representation of African-American students. Almost all of Lifeline students are either African-American (40.2 percent) or Hispanic (57.4 percent).

8. Admission Requirements, If Applicable	***EC* Section 47605(b)(5)(H)** **5 *CCR* Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	**Yes**

Comments:

The Lifeline charter renewal petition comprehensively describes admission requirements to be used at the school. The school commits to conducting a public random drawing if more applications are received than there is capacity. The school currently has no students on the wait list.

9. Annual Independent Financial Audits	***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by EC Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	Yes
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.	Yes
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	Yes
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted.

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	Yes
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in…regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	Yes
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**Yes**

Comments:

The Lifeline charter petition presents a reasonably comprehensive description of suspension and expulsion procedures to be used by the school. The school commits to comprehensive due process procedures for all pupils by utilizing a suspension and expulsion policy based upon *EC* Section 48900.

11. California State Teachers Retirement System (CalSTRS), California Public Employees Retirement System (CalPERS), and Social Security Coverage	***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**
Evaluation Criteria The manner by which staff members of the charter schools will be covered by the CalSTRS, CalPERS, or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the retirement programs offered by the school.

12. Public School Attendance Alternatives	***EC* Section 47605(b)(5)(L)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local education agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the public school alternatives.

13. Post-employment Rights of Employees	***EC* Section 47605(b)(5)(M)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Yes**

Comments:

The Lifeline charter renewal petition presents a reasonably comprehensive description of the post-employment rights of employees.

14. Dispute Resolution Procedures	***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.	Yes
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	Yes
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.	Yes
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**Yes**

Comments:

The Lifeline charter renewal petition reasonably describes dispute resolution procedures.

15. Exclusive Public School Employer	***EC* Section 47605(b)(5)(O)** **5 *CCR* Section 11967.5.1(f)(15)**
Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the *Government Code*), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).	
Does the petition include the necessary declaration?	**Yes**

Comments:

The Lifeline charter renewal petition makes clear that the school shall be deemed the exclusive public school employer of charter school employees for the purposes of the EERA.

16. Closure Procedures	***EC* Section 47605(b)(5)(P)** **5 *CCR* Section 11967.5.1(f)(15)(g)**
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with EC Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	**Yes**

Comments:

The Lifeline charter renewal petition includes a reasonably comprehensive description of closure procedures.

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

Standards, Assessments, and Parent Consultation	***EC* Section 47605(c)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605, 60851, and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**

Comments:

The Lifeline charter renewal petition states that the school will meet all statewide standards and conduct all required state-mandated pupil assessments. The petition also includes a commitment to consult regularly with parents and teachers regarding the school's educational programs by utilizing Jupiter Grades reporting on a weekly basis along with other tools.

Employment is Voluntary	***EC* Section 47605(e)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:

The Lifeline charter renewal petition states that no public school district employee shall be required to work at the charter school.

Pupil Attendance is Voluntary	***EC* Section 47605(f)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:

The petition states that enrollment in Lifeline is entirely voluntary on the part of the pupils.

Effect on Authorizer and Financial Projections	***EC* Section 47605(g)** **5 *CCR* Section 11967.5.1(c)(3)(A–C)**
Evaluation Criteria …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:	
• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.	Yes
• The manner in which administrative services of the school are to be provided.	Yes
• Potential civil liability effects, if any upon the school and the SBE.	Yes
The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.	Yes
Does the petition provide the required information and financial projections?	**Yes**

Comments:

The Lifeline charter renewal petition demonstrates that the petitioners are likely to continue implementing the program as set forth in the charter petition. The Lifeline charter petition contains a realistic budget, consistent with previously submitted budgets, with most revenues conservatively projected and reasonable expenditures that are consistent with historic averages.

In general, the school has been successful in its financial operations and has consistently maintained the recommended levels of reserve that would be expected of a school district of similar size. In addition, both enrollment and average daily attendance

trends have been strong. Overall, CDE has confidence in Lifeline's ability to maintain its financial stability during the next five-year renewal period.

Academically Low-Achieving Pupils	***EC* Section 47605(h)** **5 *CCR* Section 11967.5.1(f)(1)(F–G)**
Evaluation Criteria In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032 as it read prior to July 19, 2006.	
Does the petition merit preference by the SBE under this criterion?	**Yes**

Comments:

The Lifeline charter merits preference by the SBE under this criterion because the school has developed and implemented a number of instructional strategies designed to identify low-achieving pupils and to address their unique pedagogical needs.

Teacher Credentialing	***EC* Section 47605(l)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, noncollege preparatory courses.	
Does the petition meet this requirement?	**No**

Comments:

The CDE had concerns regarding the school's compliance with teacher credentialing rules as indicated by the letter of concern sent on March 21, 2012, (Attachment 1). Lifeline administration has addressed most of concerns raised by the CDE and is in the process of addressing remaining concerns.

Transmission of Audit Report	***EC* Section 47605(m)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…, and the CDE by December 15 of each year.	
Does the petition address this requirement?	**Yes**

Comments:

The Lifeline charter renewal petition reasonably describes the transmission of the annual audit report.

Findings To Deny the Lifeline Education Charter School Petition from the Board of Education of the Compton Unified School District

District Board Findings:

On December 13, 2011, the Compton USD voted to deny the Lifeline petition by a vote of seven to zero.

Data Review of Lifeline and Compton USD

Compton USD found that Lifeline was not meeting its academic goals and AYP. The district also found that Lifeline does not offer Advanced Placement (AP) courses as specified in its 2009 charter petition.

Finding #1: Unsound Educational Program

Compton USD denied the charter on the ground that it presents an unsound educational program as it pertains to:

- Teacher qualifications of Lifeline faculty due to the fact that some teachers do not hold regular teaching credentials.

Finding #2: Unlikely to Implement the Program Successfully

In addition, the Lifeline charter renewal petition was denied on the ground that the petitioners were demonstrably unlikely to successfully implement the program set forth in the petition for the following reasons:

- Lack of evidence that Lifeline enrolls “at risk” students, its targeted population.
- Lack of Western Association of Schools and Colleges (WASC) accreditation.
- Deficiencies in explaining the following components of the school’s special education program:
    - Identifying staff members of the Section 504 team.
    - Listing personnel qualified to assess and counsel students.
    - Identifying facilities available for special education purposes.
    - Identifying special education portions of the operating budget.
    - Listing transportation services used for special education programs.

Finding #3: Does Not Present a Reasonably Comprehensive Description of Specific Aspects of the Program

Lastly, the Lifeline charter renewal petition was denied on the ground that the petition did not contain comprehensive descriptions as required for the following elements:

- Comprehensive description of the educational program
- Governance structure of the school
- Employee qualifications and teacher credentialing
- Retirement systems

Lifeline Response:

Data Review of Lifeline and Compton USD

Lifeline petitioners indicate that Lifeline API exceeded API of Centennial, Compton, and Dominguez high schools since the 2009–10 school year. The petitioners also state that while Lifeline did not meet its AYP, neither did any of the Compton USD schools. The petitioners also mention that while Lifeline is not in Program Improvement, all of Compton USD comparison schools are in fifth year of Program Improvement. The petitioners acknowledge not currently offering any AP courses, but list other educational opportunities available for high-achieving students, such as participation in Plato software or enrollment at Compton Community College.

Finding #1: Unsound Educational Program

Lifeline petitioners indicate that they believe the Lifeline charter renewal petition is consistent with sound educational practice and presents a “reasonably comprehensive” description of a sound educational program. The petitioners indicate that all current faculty members meet the NCLB requirements with the exception of two teachers who are currently in the process of obtaining preliminary teaching credentials and have already submitted their credentialing applications to the California Commission on Teacher Credentialing. One of these teachers holds an emergency teaching credential and the other teacher is a long-term substitute teacher.

Finding #2: Unlikely to Implement the Program Successfully

Lifeline petitioners indicate that they believe they are able to successfully implement the program. The petitioners describe annual summer door-to-door walks conducted by Lifeline staff in order to recruit students, over 91 percent of whom currently qualify for the Free and Reduced Lunch Program. The petitioners also state their plans to apply for the WASC accreditation with the initial visit scheduled in the spring of 2012. Lastly, the petitioners state that the school provides a full continuum of special education services including the Special Day and Resource Specialist programs.

Finding #3: Does Not Present a Reasonably Comprehensive Description of Specific Aspects of the Program

Lifeline petitioners state that the petition provides a reasonably comprehensive description of information regarding the school's educational program, governance structure, employee qualifications, and the participation in retirement programs.

CDE Response:

Data Review of Lifeline and Compton USD

Based on data provided in Attachment 2, Tables 3–5, the CDE concurs with the petitioners in their analysis of API, AYP, and Program Improvement data of Lifeline and Compton USD schools. The CDE finds that while the Lifeline charter renewal petition does not specifically address AP courses, such courses are listed in Appendix I of the petition, Scope and Sequence.

Finding #1: Unsound Educational Program

The district expressed concern with credentials held by Lifeline teachers including concerns that some of the teachers are not credentialed at all. The CDE evaluated credentials held by Lifeline faculty. The CDE had several concerns expressed in the letter of concern dated March 21, 2012, (Attachment 1). The school administration has since addressed most of the concerns raised by the CDE.

Finding #2: Unlikely to Implement the Program Successfully

The CDE finds that Lifeline petitioners have successfully demonstrated their ability to recruit "at-risk" students as indicated in Table 1 of the CDE Staff Report. The CDE staff has verified that the school submitted an application for WASC affiliation with the initial meeting scheduled in the fall of 2012. The CDE finds that the Lifeline charter renewal petition provides a reasonably comprehensive description of proposed special education services.

Finding #3: Does Not Present a Reasonably Comprehensive Description of Specific Aspects of the Program

The CDE finds that the Lifeline charter renewal petition provides a reasonably comprehensive description of the educational program. The CDE has determined that the current governing board members were permitted to serve for up to three consecutive two-year terms. The CDE finds that the Lifeline charter renewal application provides a reasonably comprehensive description of employee qualifications.

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Prior to opening**,** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.

- **MOU/Oversight Agreement.** Prior to opening, either (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (CDE), to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California *Education Code* (*EC*) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR)

program 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 Planning 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 Planning 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 staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.

- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS).

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2012, approval of the charter is terminated.

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

CALIFORNIA
DEPARTMENT OF
EDUCATION

Letter of Concern for Lifeline Education Charter School

March 21, 2012

Ms. Paula DeGroat
Lifeline Education Charter School
357 East Palmer Street
Compton, CA 90221

Subject: Letter of Concern for Lifeline Education Charter School

Dear Ms. DeGroat:

The purpose of this letter is to inform the administration of Lifeline Education Charter School (Lifeline) that the California Department of Education (CDE) has some specific areas of concern that are in need of improvement, and to present a course of action to attempt to remedy these concerns.

The CDE is continuing to review all aspects of Lifeline's charter as part of the renewal process. However, we have identified several concerns regarding teacher credentialing that required immediate action as indicated below. Upon further review, other areas may be discovered that will require additional attention from Lifeline administration.

The CDE, as required by California *Education Code* (*EC*) 47605 (*l*), is conducting a review of all credentialing certificates, permits, and other documents as they relate to current staffing of the Lifeline faculty. The CDE would like to request additional clarifying information regarding the topics below:

1. Appropriate Authorizations:

    a. English Learners (EL) Authorization: Please identify the steps to obtain EL authorization for all faculty in need of such authorizations.

    b. Please provide a copy of credentials held by Falen Demsas.

    c. Short term Staff Permit (STSP): Please provide documentation that a STSP has been requested for Juan Medina and Obed Nartey.

    d. Special Education: Please describe Lifeline's plan for acquiring a Special Education credential for India Preito.

2. Teacher Induction Program:

    a. Please describe and list the participants in the current new teacher induction program at Lifeline.

Additionally, initial review has identified several teachers who are currently teaching outside of their field of authorization. For example, multiple subject-credentialed teachers are assigned departmentalized classes at both the middle and high school. Review indicates credentials held do not support your master schedule. Please provide a detailed plan for obtaining the appropriate authorizations for each teacher as outlined in your master schedule.

Please provide evidence regarding staffing and credentials no later than April 3, 2012. The CDE staff is available to offer technical assistance as needed.

Failure to provide substantial evidence that refutes, remedies, or proposes to remedy the alleged violations may provide grounds sufficient to form the basis for an action to revoke the Lifeline charter pursuant to *EC* Section 47607(c).

If you have any questions regarding this subject, please contact Dmitriy Voloshin, Educational Programs Consultant, Charter Schools Division, by phone at 916-323-0482 or by e-mail at dvoloshin@cde.ca.gov.

Sincerely,

/s/

Julie Baltazar, Director
Charter Schools Division

JB:dv

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 1: 2011 Demographic Data

School Name	Centennial High	Compton High	Dominguez High	Bunche Middle	Whaley Middle	Roosevelt Middle	Lifeline Education Charter
CDS Code	19734371931567	19734371931963	19734371932326	19734376057558	19734376057582	19734376061261	19764970115725
Student Enrollment	1204	2400	2103	676	835	1052	296
% Black or African American	31.2	19.3	17.4	9.2	9.7	14.1	40.2
% American Indian or Alaska Native	0.1	0.0	0.0	0.1	0.0	0.0	0.0
% Asian	0.0	0.0	0.0	0.0	0.2	0.0	0.0
% Filipino	0.0	0.1	0.0	0.0	0.0	0.0	0.0
% Hispanic or Latino	66.5	78.3	80.1	89.6	88.6	82.7	57.4
% Native Hawaiian or Pacific Islander	0.1	0.7	1.0	0.0	0.0	1.3	1.4
% White	0.0	0.3	0.3	0.0	0.2	0.2	0.0
% Two or More Races	0.0	0.1	0.2	0.0	0.0	0.2	0.0
% Socioeconomically Disadvantaged	70.7	79.1	82.3	91.1	87.1	90.5	91.6*
% English Learners	57.0	67.5	71.7	78.0	80.0	75.5	29.7
% Students with Disabilities	10.6	8.7	7.1	8.6	7.2	7.3	TBD*

Data source used "DMDSQL1.SSIDAggregates.SSIDenroll"

* - The Lifeline petitioners submitted data corrections to the Consolidated Application Data System on January 3, 2012

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 2: 2011 Truancy, Suspension, and Expulsion Data

School Name	Centennial High	Compton High	Dominguez High	Bunche Middle	Whaley Middle	Roosevelt Middle	Lifeline Education Charter
CDS Code	**19734371931567**	**19734371931963**	**19734371932326**	**19734376057558**	**19734376057582**	**19734376061261**	**19764970115725**
Enrollment	1204	2400	2103	676	835	1052	296
Truancy Number (Rate)	55 (4.60)	55 (2.30)	40 (1.90)	45 (6.70)	500 (59.90)	14 (1.30)	16 (5.4)*
Suspension Number (Rate)	373 (31)	20 (0.8)	445 (21.2)	1 (0.1)	259 (31)	78 (7.4)	13 (4.4)*
Expulsion Number (Rate)	0 (0.00)	2 (0.10)	0 (0.00)	0 (0.00)	0 (0.00)	0 (0.00)	3 (1.00)

Data source was a provided spreadsheet "umirs1011.xls"

* - The Lifeline petitioners submitted data corrections to the Consolidated Application Data System on January 3, 2012

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 3: Academic Performance Index (API) Growth

School Name	Centennial High	Compton High	Dominguez High	Bunche Middle	Whaley Middle	Roosevelt Middle	Lifeline Education Charter
CDS Code	19734371931567	19734371931963	19734371932326	19734376057558	19734376057582	19734376061261	19764970115725
API Growth for 2010-11	12	10	-4	10	36	28	1
API Growth for 2009-10	40	9	62	40	35	30	82
API Growth for 2008-09	-5	-3	-26	22	-31	0	-10
API Growth for 2007-08	26	10	32	23	13	-9	B

Data sources used:
DMDSQL1.Eddemo2.grth2008
DMDSQL1.Accountability.grth2009
DMDSQL1.Accountability.grth2010
DMDSQL1.Accountability.grth2011

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 4: 2011 Growth Academic Performance Index (API) Data

School Name	Centennial High	Compton High	Dominguez High	Bunche Middle	Whaley Middle	Roosevelt Middle	Lifeline Education Charter
CDS Code	**19734371931567**	**19734371931963**	**19734371932326**	**19734376057558**	**19734376057582**	**19734376061261**	**19764970115725**
Valid Scores Schoolwide	828	1679	1665	683	829	990	233
Schoolwide	584 (12)	578 (10)	621 (-4)	663 (10)	610 (36)	714 (28)	655 (1)
Black or African American	539 (16)	515 (11)	567 (43)	570 (-)	556 (-)	687 (18)	593 (63)
American Indian or Alaska Native	-	-	-	-	-	-	-
Asian	-	-	-	-	-	-	-
Filipino	-	-	-	-	-	-	-
Hispanic or Latino	588 (12)	581 (8)	638 (-15)	662 (5)	576 (30)	684 (32)	671 (-19)
Native Hawaiian or Pacific Islander	-	685 (-)	695 (-)	-	-	798 (-)	-
White	-	-	-	-	-	-	-
Two or More Races	-	528 (-)	575 (-)	-	-	-	-
Socioeconomically Disadvantaged	562 (23)	579 (3)	633 (-7)	654 (10)	579 (28)	684 (26)	654 (-11)
English Learners	565 (11)	546 (13)	599 (-5)	641 (6)	546 (39)	650 (40)	564 (0)
Students with Disabilities	273 (-)	414 (-)	409 (-)	373 (-)	372 (-)	488 (-)	309 (-)
Statewide/Similar Schools Rank	1 / 1	1 / 1	1 / 2	1 / 2	1 / 1	2 / 6	2 / 1

Data sources used:
DMDSQL1.Accountabilty.grth2011
DMDSQL1.Accountabilty.APIB2010

- The Growth API is not displayed when there are less than 11 valid scores
(-) The student group is not numerically significant, therefore no growth determination was made

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 5: 2011 Adequate Yearly Progress (AYP) Data

School Name	Centennial High	Compton High	Dominguez High	Bunche Middle	Whaley Middle	Roosevelt Middle	Lifeline Education Charter
CDS Code	**19734371931567**	**19734371931963**	**19734371932326**	**19734376057558**	**19734376057582**	**19734376061261**	**19764970115725**
Met AYP Criteria	No	No	No	No	No	No	No
# Criteria Met/# Criteria Applicable	17 / 22	16 / 22	11 / 22	9 / 17	9 / 17	16 / 21	9 / 17
2011-12 Program Improvement (PI) Status	In PI	In PI	In PI	In PI	In PI	In PI	Not in PI
2011-12 Program Improvement (PI) Year	Year 5	Year 5	Year 5	Year 5	Year 5	Year 5	NA

Data sources used:
DMDSQL1.Accountability.apr11a
DMDSQL1.Accountability.apr11pi_sch

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA)

ELA % Proficency Target: 66.7							
School Name	**Centennial High**	**Compton High**	**Dominguez High**	**Bunche Middle**	**Whaley Middle**	**Roosevelt Middle**	**Lifeline Education Charter**
CDS Code	**19734371931567**	**19734371931963**	**19734371932326**	**19734376057558**	**19734376057582**	**19734376061261**	**19764970115725**
Number of Valid Scores Schoolwide	241	511	503	683	829	989	147
Schoolwide (Met Target)	33.6 (Yes)	34.6 (Yes)	33.4 (No)	26.8 (No)	24.5 (No)	34.7 (No)	29.3 (No)
Black or African American (Met Target)	25.8 (No)	29.9 (Yes)	26.3 (No)	33.3 (--)	30.1 (--)	35.1 (No)	25.8 (No)
American Indian or Alaska Native (Met Target)	-	-	-	-	-	-	-
Asian (Met Target)	-	-	-	-	-	-	-
Filipino (Met Target)	-	-	-	-	-	-	-
Hispanic or Latino (Met Target)	37.1 (No)	35.9 (Yes)	34.8 (No)	26.3 (No)	24.0 (No)	34.9 (No)	31.3 (No)
Native Hawaiian or Pacific Islander (Met Target)	-	-	-	-	-	28.6 (--)	-
White (Met Target)	-	-	-	-	-	-	-
Two or More Races (Met Target)	-	-	-	-	-	-	-
Socioeconomically Disadvantaged (Met Target)	32.8 (Yes)	34.7 (Yes)	33.4 (No)	27.1 (No)	24.1 (No)	33.8 (No)	27.7 (No)
English Learners (Met Target)	27.9 (Yes)	24.8 (Yes)	27.0 (No)	21.6 (No)	19.7 (No)	29.5 (No)	20.7 (--)
Students with Disabilities (Met Target)	0.0 (--)	5.7 (--)	6.1 (--)	9.7 (--)	4.7 (--)	9.0 (--)	0.0 (--)

Data sources used:
DMDSQL1.Accountability.apr11a
DMDSQL1.Accountability.apr11pi_sch

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

California Department of Education Lifeline Education Charter School Data Tables Created 02/15/2012

Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics

Math % Proficency Target: 66.1							
School Name	**Centennial High**	**Compton High**	**Dominguez High**	**Bunche Middle**	**Whaley Middle**	**Roosevelt Middle**	**Lifeline Education Charter**
CDS Code	**19734371931567**	**19734371931963**	**19734371932326**	**19734376057558**	**19734376057582**	**19734376061261**	**19764970115725**
Number of Valid Scores Schoolwide	245	510	504	681	829	981	147
Schoolwide (Met Target)	28.2 (No)	27.5 (No)	33.3 (No)	23.3 (No)	18.7 (No)	39.0 (Yes)	20.4 (No)
Black or African American (Met Target)	17.9 (No)	18.6 (No)	25.6 (No)	15.8 (--)	19.2 (--)	35.8 (Yes)	13.4 (No)
American Indian or Alaska Native (Met Target)	-	-	-	-	-	-	-
Asian (Met Target)	-	-	-	-	-	-	-
Filipino (Met Target)	-	-	-	-	-	-	-
Hispanic or Latino (Met Target)	32.4 (No)	30.0 (No)	34.8 (No)	24.3 (No)	18.8 (No)	40.2 (Yes)	25.3 (No)
Native Hawaiian or Pacific Islander (Met Target)	-	-	-	-	-	21.4 (--)	-
White (Met Target)	-	-	-	-	-	-	-
Two or More Races (Met Target)	-	-	-	-	-	-	-
Socioeconomically Disadvantaged (Met Target)	28.0 (Yes)	28.0 (No)	33.3 (No)	24.1 (No)	19.0 (No)	38.9 (Yes)	19.9 (No)
English Learners (Met Target)	26.8 (Yes)	23.0 (No)	30.6 (No)	21.1 (No)	17.1 (No)	35.6 (Yes)	14.3 (--)
Students with Disabilities (Met Target)	0.0 (--)	2.9 (--)	8.6 (--)	10.0 (--)	3.1 (--)	7.0 (--)	0.0 (--)

Data sources used:
DMDSQL1.Accountability.apr11a
DMDSQL1.Accountability.apr11pi_sch

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Table 8: High School Academic Data

Grade Ten CAHSEE Passage Rates

School Name	Centennial High	Compton High	Dominguez High	Lifeline Education Charter
CDS Code	**19734371931567**	**19734371931963**	**19734371932326**	**19764970115725**
ELA/Math Number Tested	21 / 22	36 / 36	31 / 34	7 / 7
School wide ELA/Math	71.0 / 65.0	65.0 / 63.0	67.0 / 69.0	59.0 / 75.0
Black or African American ELA/Math	68.0 / 59.0	62.0 / 49.0	64.0 / 66.0	71.0 / 64.0
American Indian or Alaska Native ELA/Math	0 / 0	-	-	-
Asian ELA/Math	-	-	-	-
Filipino ELA/Math	-	-	-	-
Hispanic or Latino ELA/Math	74.0 / 69.0	65.0 / 66.0	68.0 / 70.0	54.0 / 82.0
Native Hawaiian or Pacific Islander ELA/Math	-	0 / 0	0 / 0	-
White ELA/Math	-	0 / 0	0 / 0	-
Two or More Races ELA/Math	0 / 0	0 / 0	0 / 0	0 / 0
Socioeconomically Disadvantaged ELA/Math	70.0 / 64.0	64.0 / 63.0	67.0 / 69.0	59.0 / 73.0
English Learners ELA/Math	47.0 / 41.0	33.0 / 42.0	36.0 / 46.0	0 / 0
Students with Disabilities ELA/Math	24.0 / 14.0	8.0 / 8.0	3.0 / 9.0	0 / 0
Cohort Graduation Rate	56.20	64.71	60.62	TBD*
Cohort Dropout Rate	34.90	25.80	28.40	TBD*

Data sources used:
DMDSQL1.CAHSEE.cahsee11
DMDSQL1.SSIDAggregates.cohortaggregates

English Language Arts (ELA)

* - The Lifeline petitioners submitted data corrections to the Consolidated Application Data System on January 3, 2012

Table 9: Student Demographics		
Data in Percentage Points	**Lifeline**	**Compton USD**
Black / African Americans	33	18
Hispanic or Latino	59	78
Participants in Free or Reduced-Price Lunch	95	82
English Learners	24	45
Students with Disabilities	6	9
Source: 2010 Standardized Testing and Reporting (STAR) Program student answer document data.		

Table 10: Demographic Profile of Compton		
US Census Data	**Compton**	**California**
Population, 2010	96,445	37,253,956
	Percentages	
Persons under 18 years, 2010	33.1	25.0
Black persons, 2010	32.9	6.2
Persons of Hispanic or Latino origin, 2010	65.0	37.6
Language other than English spoken at home, age 5+, 2005–2009	58.7	42.2
High school graduates, persons age 25+, 2005–2009	59.9	80.5
Bachelor's degree or higher, persons age 25+, 2005–2009	7.8	29.7
People of all ages in poverty, 2005–2009	23.7	13.2
	Dollars	
Per capita money income in past 12 months (2009 dollars), 2005–2009	13,382	29,020
Median household income 2005–2009	41,890	60,392
Source: United States Census Bureau, retrieved from http://quickfacts.census.gov on 01/18/2012.		

Table 11: Crime Profile of Compton		
2009 Data	**Crime rate per 100,000 population**	
Type of Crime	**Compton**	**California**
Violent crime	1,552.1	472.0
Murder and manslaughter	38.4	5.3
Forcible rape	38.4	23.6
Robbery	542.2	173.4
Aggravated assault	933.2	269.7
Property crime	3,250.2	2,731.5
Burglary	818.1	622.6
Larceny-theft	1,443.5	1,665.1
Motor vehicle theft	988.6	443.8
Source: Federal Bureau of Investigations, retrieved from http://www.ucrdatatool.gov on 01/18/2012.		

Lifeline Education Charter School

CHARTER APPLICATION

225 S. Santa Fe Ave
Compton, CA 90221

Contact: Ms. P. DeGroat
310-603-6884

October 2011

Lifeline Education Charter School Petition

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AFFIRMATIONS AND ASSURANCES

As the authorized lead petitioner, I, Paula DeGroat, hereby certify that the information submitted in this renewal petition for a California public charter school named Lifeline Education Charter School ("Lifeline" or the "Charter School"), authorized by the State Board of Education ("SBE"), and located within the boundaries of the Compton Unified School District (the "District") is true to the best of my knowledge and belief; I also certify that this petition does not constitute the conversion of a private school to the status of a public charter school; and further, I understand that if this charter is renewed, the Charter School will follow any and all federal, state, and local laws and regulations that apply to the Charter School, including but not limited to:

- The Charter School shall meet all statewide standards and conduct the student assessments required, pursuant to Education Code Sections 60605 and 60851, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. [Ref. Education Code Section 47605(c)(1)]
- The Charter School shall be deemed the exclusive public school employer of the employees of Lifeline Education Charter School for purposes of the Educational Employment Relations Act. [Ref. Education Code Section 47605(b)(5)(O)]
- The Charter School shall be non-sectarian in its programs, admissions policies, employment practices, and all other operations. [Ref. Education Code Section 47605(d)(1)]
- The Charter School shall not charge tuition. [Ref. Education Code Section 47605(d)(1)]
- The Charter School will not discriminate on the basis of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). [Ref. Education Code Section 47605(d)(1)]
- The Charter School will comply with all laws establishing the minimum and maximum age for public school enrollment. [Ref. California Education Code Section 47612(b), 47610]
- The Charter School shall admit all students who wish to attend the Charter School, and who submit a timely application; unless the Charter School receives a greater number of applications than there are spaces for students, in which case each application will be given equal chance of admission through a public random drawing process. Except as required by Education Code Section 47605(d)(2), admission to the Charter School shall not be determined according to the place of residence of the student or his or her parents within the State. Preference in the public random drawing shall be given as required by Education Code Section 47605(d)(2)(B). In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the Charter School in accordance with Education Code Section 47605(d)(2)(C). [Ref. Education Code Section 47605(d)(2)(A)-(B)]
- The Charter School shall adhere to all provisions of federal law related to students with disabilities including, but not limited to, the Individuals with Disabilities in Education Improvement Act of 2004, Section 504 of the Rehabilitation Act of 1973, and the Title II of the Americans with Disabilities Act of 2004.

- If a pupil is expelled or leaves the Charter School without graduating or completing the school year for any reason, the Charter School shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card and health information. [Ref. California Education Code Section 47605(d)(3)]
- The Charter School shall, for each fiscal year, offer at a minimum, the number of minutes of instruction per grade level as required by Education Code Section 47612.5(a)(1)(A)-(D).
- The Charter School shall comply with the Ralph M. Brown Act.
- The Charter School will comply with the Public Records Act and the Family Educational Rights and Privacy Act.
- The Charter School shall comply with all applicable provisions of the No Child Left Behind Act.
- The Charter School shall at all times maintain all necessary and appropriate insurance coverage.
- The Charter School shall meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. [Ref. Title 5 California Code of Regulations Section 11967.5.1(f)(5)(C)]
- The Charter School shall ensure that teachers in the Charter School hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to noncore, noncollege preparatory teachers. [Ref. California Education Code Section 47605(l)]
- The Charter School shall maintain accurate and contemporaneous written records that document all pupil attendance and make those available for audits or inspections.
- The Charter School shall, on a regular basis, consult with its parents and teachers regarding the Charter School's education programs. [Ref. California Education Code Section 47605(c)]
- The Charter School shall comply with any jurisdictional limitations to locations of its facilities. [Ref. California Education Code Section 47605-47605.1]
- The Charter School shall meet or exceed the legally required minimum of school days.[Ref. Title 5 California Code of Regulations Section 11960]

_____ _____

Paula DeGroat Date

ELEMENT I – LIFELINE HISTORY

Lifeline Education Charter School

Initially Lifeline Education Charter School was awarded its charter under old charter legislation and opened in the Community of Compton in September 2002. Our five year commitment with Gorman District ended in June 2007 [*in accordance with Education Code §47605.1 which provides for the establishment of a charter school that will operate within the geographic boundaries of the authorizing school district*].

In September 2007 Lifeline began to operate under the jurisdiction of the State Board of Education with a one year Charter, as Lifeline's Charter was initially denied by Compton Unified School District and Los Angeles County Office of Education. This one year Charter was extended to three years in January 2008.

Charter School History

When Lifeline first opened in the fall of 2002, we had a total of 200 students. Since then, our enrollment has increased to 340 students in grades 6th through 12th. The reason for the increase in enrollment, is that the community is in need of something positively different. The City of Compton has many schools and great educators, but what truly sets LECS apart is the personal attention that we provide to the *Lifeline family*. Previous, current, and future students are always welcome at Lifeline. Our staff is dedicated to assist our students in their academic and adolescent struggles. The staff has undergone many of the challenges similar to those our students are currently going through and therefore can connect with the students at a level unsurpassed by any local school.

Many of our students come from families that have never even attended high school let alone thought of college. Two of our graduates have graduated from the prestigious Howard University. Countless others from Cal State Dominguez Hills, Cal State Long Beach, and Long Beach City College, to name a few.

Testimonials of our students overcoming adversity would turn into a novel. However, most notably was a student that we will call Jim (to keep anonymity). Jim suffered a horrendous childhood impacting his desire to live (family drug addiction and sexual abuse plagued his early years). Right before Jim began attending Lifeline, he attempted suicide on several occasions.

Through counseling and daily monitoring of Jim, his drive and motivation improved. Jim was no longer feeling guilty for his past, but rather using it to fuel his future. During his senior year, he was placed in a foster home where he received almost no support from his foster family, but jumped that additional hurdle by graduating and immediately enrolling at Long Beach City College.

We don't attempt to take full credit for his turnaround, but he assures us that our support of the *Lifeline family* opened his eyes to a future that he never felt he was entitled to.

This is the type of positive impact that we would like to continue to provide for our students.

ELEMENT II – EDUCATIONAL PHILOSOPHY AND PROGRAM

Governing Law: A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an "educated person" in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners. Education Code Section 47605(b)(5)(A)(i).

If the proposed school will serve high school pupils, a description of the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements. Education Code Section 47605(b)(5)(A)(ii).

SCHOOL MOTO:
Achieving Academic Excellence

PURPOSE:

Motivate the individual student to become a life-long learner, as well as a productive and contributing citizen to his or her community.

MISSION:

The mission of Lifeline Education Charter School is to provide an academically challenging curriculum and to create a learning community of students, parents, teachers, staff, and committed adults from the community, which will provide the support necessary for each student to reach his/her highest individual potential – intellectually, socially, emotionally and physically.

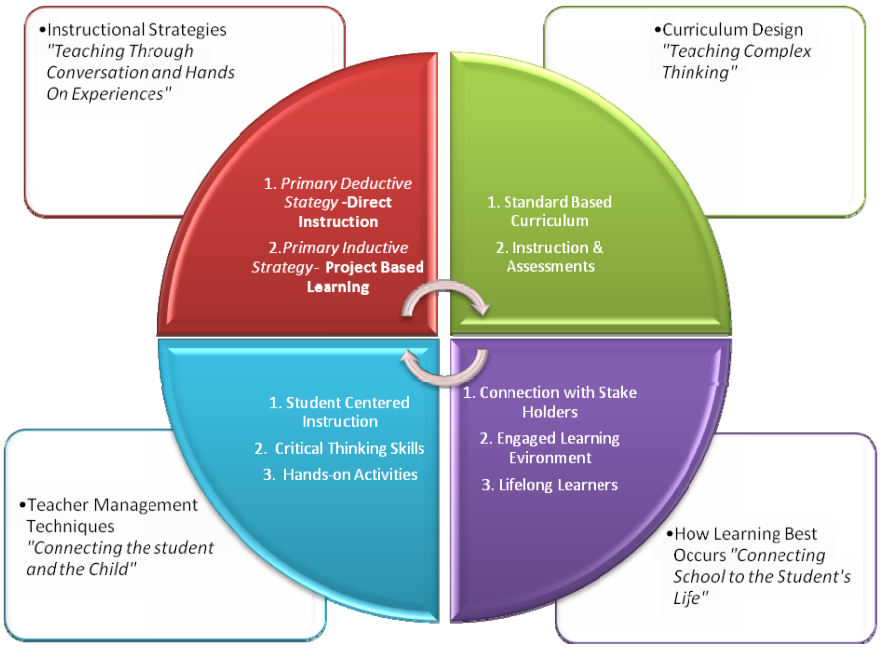
VISION:

We envision Lifeline Education Charter School as a thriving learning community providing students with both educational and real world learning opportunities which will engage the whole child in the learning process. Together, this community will build a scholarly, creative, and exciting environment for all students including at-risk students, attracting the most highly skilled and committed educators and community members.

Lifeline Education Charter School will promote a learning environment that emphasizes academic progress as well as academic success. Our students will obtain a sense of purpose and responsibility for their academic careers, and the Charter School will provide an outlet for creative expression, and empower our students and their families to participate in the education process in a way that benefits the family and community. Accountability and personal responsibility will be embraced by all students, parents and teachers.

Our students will graduate Lifeline Education Charter School as life-long learners with the potential to affect their own futures as well as their community. Our Prescriptive Individual Learning Plans (PILP) will enable at-risk students to become competent and contributing members of society. Each PILP is based upon the rigorous California Content Standards, and a carefully designed and articulated curriculum, offering students the opportunity to prepare themselves for post secondary education and a competitive world of work.

LIFELINE EDUCATION CHARTER SCHOOL PEDAGOGY



EDUCATIONAL ASSESSMENT AND PRESCIPTIVE PLANNING

Lifeline Education Charter School stresses the importance of discovering the level of student performance and proficiency of all basic skills through common formative assessments (CFA's) and data analysis on a systematically scheduled basis. It is through this systematic collection of data and analysis that Lifeline will be able to monitor, adjust and design an effective curriculum for the individual student. This information will be crucial to the informational and monitoring relationship between the school, student, parents and all stakeholders. Combined with Lifeline's *Lifeskills* and other methods of assessment such as Renaissance, CFA's, Data Director, Plato, etc, all of our students will be given the opportunity to master non acquired skills as well which will offer them additional options for future life-changing

choices. Lifeline is committed to offering students not only a rigorous academic experience but the life skills to successfully live in an ever-changing global community.

TARGETED POPULATION

Lifeline Education Charter School is a 6th-12th grade charter school designed to provide an alternative choice to the traditional public school system and focuses on meeting the educational needs of students and families who live in and around Compton and surrounding areas. Although the majority of our pupils are from the community of Compton, Lifeline is open to all residents of California and typically admits students from various parts of Los Angeles County.

Lifeline will continue to focus its resources and efforts on the "at risk" student population and the inclusion of those students who have not been able to obtain an education that challenges their academic, social, and moral potential through traditional sources of public or private education. Lifeline Education Charter School will continue to be a place where the community is welcome and the students feel privileged.

Data on incoming, enrolled students is gathered by talking with students and parents, by looking at existing records and services provided by their previous schools, and when possible, by scheduling an entry conference between students' and their Lifeline advisors. The staff uses the data from these meetings to ensure that Lifeline has the appropriate place for the student.

Lifeline Education Charter School seeks to recover students who have dropped out of school or are being underserved by the current public school system by:

- Pre assessing (after enrollment but before placement in classes) students thoroughly in the areas of reading and math
- Discovering the individual student's areas of high interest or talent
- Developing Prescriptive Individual Learning Plans
- Engaging students in their own learning aspirations
- Offering many "hands-on" project-based learning experiences
- Promoting on-going rigorous professional development of all staff to deliver the California Standards Based Curriculum
- Continual monitoring and adjusting of PILP's for every student
- Open transparent communication with parents and stakeholders as to the increase in student achievement.

FOCUS/DIRECTION

Lifeline Education Charter School provides a choice to those students desiring an alternative to the public school system. As the "at-risk" population is rising, Lifeline Education Charter School is there for those students who are ready to make a change in themselves. We feel that both high and low academic achievers are currently being underserved by the public school system and are in considered "at-risk." The focus and direction of Lifeline Education Charter School is:

Academics

- To correlate all teaching materials with those of the standards set by the State of California.

- To Progress Monitor how each student is performing on regular administered content assessment.
- To develop a rigorous curriculum taught at grade level with immediate interventions provided at the time student difficulty is realized.
- To challenge each student to excel in each of the essential elements, such as reading, writing, math and science.
- To ensure that a variety of appropriate instructional strategies are used to address the varied learning styles of the students and timely, attainable, measurable goals are set to ensure student and staff accountability is being addressed.
- Set timely, attainable, measurable goals for the increase of student achievement on the California Standards Test (CST), California High School Exit Exam (CAHSEE), California Physical Fitness Testing (CPFT required by all 9th grade students), and CAPA (Special Education Students in the lowers cognitive level). These goals should match those required by NCLB regulations on the Adequate Yearly Progress (AYP)
- To provide a curriculum that allows students to acquire the competencies and knowledge needed to be competitive in today's marketplace and/or prepare our students academically to continue on to higher education.
- To develop useful and integrated problem solving skills and training that are applicable in the classroom and relevant to a world-wide changing economy dependent upon a working class that can quickly adapt to new jobs and new skills.

Project-based Learning

Students work in teams to explore real-world problems and create presentations to share what they have learned. Compared with learning solely from staff and textbooks, this approach has many benefits for students, including:

- Deeper knowledge of subject matter;
- Increased self-direction and motivation;
- Improved research and problem-solving skills.

Technology

At Lifeline we know that successful technology-rich schools generate impressive results for students. In today's world of instant communication, data analysis, access to millions of bits or research, the use of technology is becoming a crucial part of the instructional process. The student population, the instructional design, the teacher's role, how students are grouped, and the levels of student access to technology influence the degree of effectiveness; including:

- Significant positive impact on achievement in all subject areas, across all levels of school, and in regular classrooms as well as those for special-needs students.
- Higher appeal to students which may lead to higher test scores
- Improved student attitude, enthusiasm, and engagement.
- Improved student retention
- Higher job placement rates
- Richer classroom content

Life Skills

Life skills based education combines learning experiences that promote the acquisition of new knowledge and attitudes as well as the skills to change behaviors. Life skills-based education is a critical component of quality education. Through life skills, we:

- Promote positive self esteem, self-awareness and motivation for learning.
- Build character, ethics and good decision making skills.
- Emphasize written and verbal communication.
- Learn and teach from one another-"*Each one, Teach one.*"

Character Building

- To promote core ethical values as the basis of good character for all students attending Lifeline Education Charter School.
- To provide positive role models for students by all Lifeline Education Charter School teachers, staff and administrators demonstrating exemplary character traits.
- To work as a team empowering students to adhere to Lifeline Education Charter School's 6 core values at school, home and in the community.

Community Service

- To promote the many unique characteristics Lifeline Education Charter School students have.
- To assist the community in its many needs.
- To help students "open" their eyes to the many challenges people experience every day.

Partnerships

- To work as a team with parents and the community in order to help foster a positive learning environment and to enhance and set high standards for academic performance.
- To work with families and community to showcase the value of education in school with tangible value of lifelong living.
- To encourage parents, community leaders, and teachers to act as role models, guides, and advisors for the students.

AN EDUCATED PERSON IN THE 21ST CENTURY

Public school reform has become the #1 social issue for the United States of America. While most acknowledge the challenges of the public education system, the discussion to date has largely focused on governance issues. Lifeline Education Charter School intends to refocus the debate on a future vision for public schools in California about which all stakeholders are enthusiastic. Simply put, every child should have the opportunity to chose a school that meets their needs.

An educated person in the 21st century is creative, self-actualized, and enlightened. The student is a self-motivated, literate, bilingually fluent, and a lifelong learner who is resourceful, technologically proficient, and globally competitive. An educated person in the 21st century must also possess the necessary skills and understanding to participate and work productively in a multi-cultural globally oriented environment using technology to its full potential

Rooted in his/her culture, a 21st century educated person has a strong sense of moral ethics and respects the diverse culture present in today's society. Perceiving his or her self as a part of a larger community, that person is socially responsible, politically aware and an environmental steward. He/she utilizes critical thinking and creativity to positively impact his/her surroundings; make healthy personal choices and find balance in the appreciation for his/her own well-being.

Honest and respectful, the educated person in the 21st century makes sound ethical/moral choices. His or her concern for social justice enables him or her to create sustainable solutions through cross-cultural collaboration, respect for divergent opinions and peaceful co-existence.

The educated person in the 21st century embraces the "traditional" and seeks new challenges and new paradigms. Driven by hope and courage, he or she is resilient in facing obstacles and makes life-sustaining decisions. At Lifeline Education Charter School we are confident that the environment that we cultivate positively influences the potential for each student to become an educated person in the 21st century.

The Secretary's Commission on Achieving Necessary Skills report (SCANS) developed by the US Department of Labor in 1991 outlines what skills will prepare today's youth to participate in the modern workplace. The report breaks down these skills into "foundation skills" and "competencies." The former include communication skills, thinking and reasoning skills, and personal qualities such as responsibility, self-esteem, information gathering and processing skills, and the ability to find, organize and deploy resources.

The Board Members, Parent Advisory Committee, and staff at Lifeline Education Charter School agree in large part with this report's conclusions and believe that educated people in the 21st century must possess many of these skills in order to reach their potential and be productive members of society. Underlying this report is the realization that even more than in the later 20th century; information and communication are the hallmarks of the ever changing and ever shrinking 21st century world. To function effectively in this environment and in the 21st century workplace, an educated person will need to know how to:

- Acquire, manage, critically analyze and use information in many mediums;
- Communicate effectively using spoken words, written text, symbols (mathematical and graphical);
- Think creatively and logically to make decisions and solve problems;
- Adapt to change and work within a multi-cultural society

An educated person in the 21st century will also need a solid foundation of knowledge in math, science, history, and language arts to provide a context to understand and interpret new information and problems and to communicate with others. To build on this foundation and adapt to a changing world, an educated person will need to have a passion for: learning how to learn, and for asking questions and getting information. An educated person is self-motivated and driven to learn throughout his or her life.

It is the objective of Lifeline Education Charter School to enable students to become self-motivated, competent, lifelong learners.

HOW LEARNING BEST OCCURS

Research and working with students who have varying education levels highlights one fact: homogenous instruction does not work for all students. Lifeline has built its philosophy and educational program around multiple "best practices" that aid and benefit all students, allowing them the best opportunity for learning to occur. Understanding our students' cultural background, past experiences or lack thereof, support of their family and community and support by a staff that believes all children can learn, is the key to their success. Lifeline provides an atmosphere that strives to incorporate all of these vital components into the learning process by providing the staff strong, targeted professional development of our staff. This training is founded in the latest research by such practioners as Ruby Payne, Douglass Reeves, and Mike Schmoker and highly recognized organizations as the Harvard School of Educational Studies, WestEd, and McREL. All strategies are founded on highly respected research by such individuals and organizations and are applied to each educational opportunity.

Connections with all Stakeholders

The old proverb, "it takes a village to raise a child" is the core to Lifeline's philosophy. Lifeline realizes that a major factor influencing a student's ability to learn comes from the support that a student receives from their school, parents, and community. Lifeline believes that when the school and the community join to create an environment that is nurturing, warm, friendly, and welcoming, students can and will excel academically. Teachers and administrators play an important role in bringing these influencing forces together to support their students. Through the Prescriptive Individual Learning Plans, Lifeline assesses each student to discover areas of deficit and adjusts/accommodates the program to provide support for each area of need. Weekly or monthly monitoring meetings with parents, celebration activities in which the community is invited to share in success, community service, and positive communication with local media help to foster a supportive atmosphere for all students. Lifeline continually strives to become part of a seamless connection between their home, neighbors, peers, businesses, staff, and family.

Engaging Learning Environment

Research shows that learning best occurs when students and teachers feel engaged in the learning process. Students need to be intrinsically motivated to learn and should be inspired and challenged by teachers. Ideally, teachers and students should act as partners working on a very important joint project; students' educational and personal development. The curriculum must be developed by taking into account areas of high interest for the student. In the world today, students are searching for relevancy of the learning to real world experiences. No longer can learning be treated as an isolated set of items to be memorized but rather part of the very fabric of what makes life meaningful.

Lifelong Learners

To develop lifelong learners, Lifeline recognizes the need for students to understand the relevancy of what they are learning and applying it to constructive projects and activities. Nothing motivates student learning more than understanding why a piece of information or a skill is valuable to their personal dreams and/or daily lives. Applying knowledge and skills to projects or to solve problems, also facilitates interdisciplinary opportunities, which enhance the comprehension of the subject areas individually and

give the student a complete picture of how bodies of knowledge fit together. The students through direct instruction supported by self-directed projects form a unique and lifelong learning experience.

BEST CLASSROOM AND TEACHING STRATEGIES

Lifeline Education Charter School believes and has seen that learning best occurs by using:

- Direct instruction by a highly qualified staff
- Supportive project based learning tied directly to application of concepts
- Cooperative independent learning environments providing a place for students to succeed and be challenged
- Interdisciplinary courses linking courses to a common theme and learning which is inter-related
- Individualized learning plans for special needs students and general education students, taking into account the needs at every level
- Class discussions involving all students where their ideas are respected and considered as a way of getting to an answer
- Lectures when necessary

Teaching Best Occurs When Staff Members:

- Believe that all children deserve access to an excellent education in their own community and the concept that all students can learn. Some learning may need to be accommodated, however all students can learn
- Have high expectations for all students
- Provide engaging instruction, rigorous, challenging courses which challenge students to think and solve problems
- Use technology to help visualize the material and develop creative methods for the discovery of how technology tools will be used as secondary support to their own problem solving skills
- Align performance, content standards, and assessment to curriculum and instruction creating "the big idea," and essential questions which guide the learning
- Have a **supportive** relationship with the parents while still teaching parents "How to be a parent in the 21st Century"
- Develop strong bonds/relationships with parents
- Incorporate Life Skills into every subject
- Incorporate Character Building into every subject

In order to best serve students and give them access to the best education possible, the staff at Lifeline Education Charter School works as a coherent team. The staff uses results from standardized tests to assess student performance and improve their own instruction; data from student unit assessments to progressively monitor student performance and the need for re-teaching; and portfolios and teacher assessments to develop a PILP (Prescriptive Individual Learning Plan) for each student. Family involvement in a student's education is one of the most important ingredients to student success. Families should be expected to participate in their children's educational experience, the development of each student's individualized performance goals, and assessing achievement of those goals. Through regularly scheduled progress monitoring meetings, parents will be given data that will show the student progress and provide suggestions to the parent as to how they can offer support at home.

FOUNDATION FOR SUCCESS

Lifeline Education Charter School students are put into a supportive environment and given the support opportunity to learn the skills they need to succeed. Lifeline understands that many students will not be at grade level when enrolling at Lifeline. Taking that into account, Lifeline implements a variety of support mechanisms including extra time for literacy and writing, and skill building exercises in all core classes. A wide-spread issue with most students coming to Lifeline is their ineffective reading skills.

In September, 2009, the middle school teachers were immersed in training for Language! a program which has helped many schools overcome the reading barrier. Nearly all middle school students were enrolled in the course at various achievement levels. By the end of the year, students had increased their reading achievement by at least 3 grade levels. Unfortunately, during the 2010-2011 school year, new administration felt the need to cancel the program due to financial reasons and the negative impact on state assessments showed the change. Not all issues could be directly targeted at the demise of the Language! program, but it was certainly a missing keystone to student success.

This year, 2011/2012 Language! has been re-instated during the after school program and is doing very well. To ensure student success, a free student support program is also offered to assist students who need homework help and tutoring in Lifeline's after school tutoring program. In addition, as part of the foundation for success, multiple intelligences are recognized, accepted, and evaluated. In this type of environment the entire school community values, respects, and appreciates each student's unique learning style.

Lifeline Education Charter School through its research at the localized and broad-based levels, has developed its own set of curriculum and instructional support systems tailored to address multiple intelligences and each student's specific needs, all while being paralleled to the California Standards. To support Lifeline's custom tailored curriculum, Data Director, Language, and Plato supplemental curriculum is also used to ensure that all standards are addressed. This curriculum is a California State approved supplemental curriculum and written directly to the California Standards by teachers. This supplemental curriculum is used by schools state wide with positive and effective results.

School Design and Class Schedule

Lifeline Education Charter School offers classes that allow for a wide range of educational options, rather than a range of classes, which exclude diverse educational options. Lifeline Education Charter School will have at least 179 instructional days and an additional 10 professional development days for its teachers. It will meet or exceed the required number of minutes of instruction as set forth in Education Code §47612.5.

Individual classes (periods), are scheduled to last either 50 or 54 minutes (middle school and high school respectively) per period. On regular school days, middle school students will receive 360 instructional minutes for a total of 57,240. On regular school days, high school students will receive 375 instructional

minutes for a total of 65,235 annual instructional minutes. Both schools exceed the required minimum instructional minutes set forth by the California Department of Education.

A 28:1 student-to-teacher ratio is targeted to provide students individual attention and help teachers instruct effectively in classes that typically have students at varying proficiency levels.

Students must take core classes in Math, English Language Arts, Science, and Social Studies. Other courses that we offer to balance the overall educational experience Life Skills focus on a deliberate student "Success Plan" that helps the student to successfully transition from school to the work/community environments. The Life Skills program includes: college preparation, decision making, communication skills, goal setting, accountability, gender issues, budgeting and financing. Students also choose elective classes in technology, art and foreign language classes.

2011-2012 School Calendar

Month	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	Days
September-11						5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30	18
October-11	3	4	5	6	7	10	11	12	13	14	17	18	19	20	21	24	25	26	27	28	31					20
November-11		1	2	3	4	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	28	29	30			19
December-11				1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30	12
January-12	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30	31				16
February-12			1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29			19
March-12				1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30	22
April-12	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	30					15
May-12		1	2	3	4	7	8	9	10	11	14	15	16	17	18	21	22	23	24	25	28	29	30	31		22
June-12					1	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22						16

2011-2012 Bell Schedule

MIDDLE SCHOOL	CLASS PERIOD	HIGH SCHOOL
08:00-08:50	**1st**	08:00-08:54
08:55-09:45	**2nd**	08:58-09:52
09:50-10:40	**3rd**	09:58-10:52
10:45-11:15	**Lunch A**	10:56-11:24
11:15-11:50	**Lunch A (CST Prep)**	11:24-11:54
10:45-11:20	**Lunch B (CST Prep)**	10:56-11:26
11:20-11:50	**Lunch B**	11:26-11:54
11:50-12:40	**4th**	11:54-12:48
12:45-01:35	**5th**	12:52-01:46
01:40-02:30	**6th**	01:51-02:45

Methods of Instruction

The educators at Lifeline Education Charter School are trained in a number of instructional strategies to respond to the students' learning needs. The primary deductive strategy employed is *Direct Instruction*, and the primary inductive strategy is *Project Based Learning*. Teachers are directly involved in the instruction of each of their students whether it be direct instruction or Project Based Learning. Teachers are trained to differentiate the curriculum to meet the individual needs of the students in their classes. Combining this with the nineteen teaching strategies as presented by Robert J. Marzano, teachers are given a variety of teaching moments in which to engage students.

Primary Deductive Strategy – Direct Instruction

The primary method of instruction at Lifeline is *direct instruction* by a highly qualified teacher. The school and staff strongly feel that this more traditional approach to teaching will benefit Lifeline's student population of struggling learners. Educational research points to direct instruction as one of the best teaching approaches for vulnerable learners. Teachers remain alert to the behaviors, test scores, and daily

interactions of all their students. They drive the pacing of the instruction for the day, keeping students on task and avoiding situations that steal time from the learning process. Teachers have had to learn that pure lecture doesn't work. A combination of a targeted presentation of the learning and transition to a time of individual discovery by students, to a daily time to put their discovery in writing has helped the instructional process greatly. We call this "little DI." During those classes when time of instruction is very tight and every minute counts, teachers in special intervention classes such as Language! practice some of the instructional behaviors of BIG DI, or formal Direct Instruction. Lifeline believes this more traditional approach to teaching will benefit Lifeline's student population of struggling learners.

Educational research points to direct instruction as the best teaching approach for vulnerable learners. However, the strategies from formal Direct Instruction (BIG DI) found in programs such as Language! use some of the basic parts of this valuable strategy for students lacking an acquired skill from their early learning years, and immerse them in a strict processing classroom culture in order to make up for time Direct Instruction is Lifeline's primary method of instruction. Lifeline believes this more traditional approach to teaching will benefit Lifeline's student population of struggling learners. Educational research points to direct instruction as the best teaching approach for vulnerable learners.

Direct Instruction ("DI") is a model for teaching that emphasizes well-developed and carefully planned lessons designed around small learning increments and clearly defined and prescribed teaching tasks. It is based on the theory that clear instruction eliminating misinterpretations can greatly improve and accelerate learning. It also requires that students be assessed on a regular basis and instruction is therefore adjusted based upon those results. Teachers are finding that they must review the effects of the previous days instruction and make adjustments to their lesson plans for the next day. This is the only way to assess the effectiveness of the instructional atmosphere in each classroom

A crucial element in the implementation of DI in most cases is change. Teachers will generally be required to behave differently than before and schools may need an entirely different organization than they previously employed. Even staff members will be called upon to alter some operations. The infusion of high level processing skills as defined by the New Bloom's Taxonomy move students to a higher thinking level, allowing them to successful solve complex issues. Moving them to a level of analysis and synthesis from basic memorization (recall) and decision making will be imperative for them to become successful decision makers in everyday life.

The popular valuing of teacher creativity and autonomy as high priorities must give way to a willingness to follow certain carefully prescribed instructional practices. (Remaining the same, however, are the importance of hard work, dedication and commitment to students.) It is crucial that all concerned adopt and internalize the belief that all students, if properly taught, can learn.

Direct Instruction allows the teacher to carefully sequence the information in a manner that the students can grasp. The sequencing allows the teacher to work with students who need extra help, while simultaneously allowing advanced students to apply the knowledge in many different forms. Lifeline students come from a wide variety of educational backgrounds. Many have educational gaps, which hinder their ability to effectively master objectives without direct aid.

Guiding principles of DI include: every child can learn if we teach him or her carefully, and all teachers can be successful when given effective programs and instructional delivery techniques. Thus, ultimately it

is the teacher who is responsible for student learning; students are not blamed for their failure to learn. One often hears the statement, "If the learner hasn't learned, the teacher has not taught" in reference to DI programs and instructional delivery (see Tarver, 1999 for further details). The structure of DI is of utmost importance to ensure students are given the instruction by the teacher with the highest level of fidelity to the program.

The goal of DI is to "do more in less time"—accelerating student learning by carefully controlling the features of curriculum design and instructional delivery. There are four main components to the design and delivery of DI programs. These include:

(a) program design,
(b) organization of instruction,
(c) teacher/student interactions and
(d) fidelity of instruction and adherence to the program design

Program design relates to (a) careful content analysis that promotes generalization (teaching the "big ideas" of instruction); (b) clear communication (the "wording of instruction" as well as how instruction is sequenced and examples are introduced); (c) clear instructional formats (specifies what teachers are to do/say and what responses students should produce); (d) sequencing of skills (prerequisites are taught before a strategy is taught; easy skills are taught before more difficult skills; strategies/information likely to be confused are separated; instances consistent with a rule are taught before exceptions); and (e) track organization (activity sequences are targeted that teach skills over multiple lessons to ensure firm responding).

Organization of instruction centers on (a) instructional grouping (using flexible skill grouping as compared to "tracking"); (b) instructional time (increasing academic learning time—the time students are engaged with high success rates); and (c) continuous assessment (providing ongoing in-program assessments to inform instructional practice).

Teacher-student interactions include (a) active student participation (increasing opportunities for students to respond and receive feedback); (b) unison responding (increasing students' responding by having them chorally respond); (c) signals (providing a cue to evoke unison oral responses); (d) pacing (promoting active student engagement with brisk teacher pacing); (e) teaching to mastery (ensuring firm responding over time); (f) error corrections (minimizing student errors by carefully sequencing instruction; when errors do occur, using careful error correction procedures—model, lead, test, retest); and (g) motivation (enhancing motivation through high levels of student success).

Careful benchmark assessing using such instruments Data Director and Plato will help successfully place students in order to attain the highest level of success. Using these assessments, along with teacher evaluation and state assessment scores will help level classes and thus ensure the Direct Instruction strategies will have a stronger affect.

Primary Inductive Strategy – Project Based Learning

Project based learning, although not our primary method of teaching, is incorporated into Direct Instruction in various subjects and classrooms. This inductive strategy will provide a basis of learning in

a more hands on approach. PBL helps make learning relevant and useful to students by establishing connections to life outside the classroom; addressing real world concerns and developing real world skills.

Project based learning allows the student to personalize learning. Experience and application enhances the learning by the student generating connection in his or her own life. This connection is shown to enhance life learning; not just mastery of content. Project Based Learning ("PBL") is a systematic teaching method where students work in teams to explore real-world problems and create presentations to share what they have learned. Compared with learning solely from textbooks, this approach has many benefits including, deeper knowledge of subject matter, increased self-direction and motivation, and improved research and problem-solving skills.

Project Based Learning, or PBL (often "PjBL" to avoid confusion with "Problem-based Learning"), is a constructivist pedagogy that intends to bring about deep learning by allowing learners to use an inquiry based approach to engage with issues and questions that are rich, real and relevant to their lives.

PURPOSE

Project Based Learning is designed to be used for complex issues that require students to construct solutions through exploration, design, production, and presentation in order to gain deeper understanding in their learning. It is not useful to use PBL for easy to learn factual information.

PBL is effective because it engages students in their own learning. Students learn skills necessary for success in the work world including personal and shared accountability, teamwork, communication, goal setting, problem-solving, and decision-making. Motivation is improved because students see the value and relevance of their learning experiences, and students begin to connect their work in school with how they can contribute to their community. Students develop critical thinking skills to solve never-before-seen problems or differently worded questions. Students connect their learning to physical anchors that enables better transfer of learning into long-term memory. Both are skills that improve achievement on standardized tests and start students on the path to becoming inspired lifelong learners.

STRUCTURE

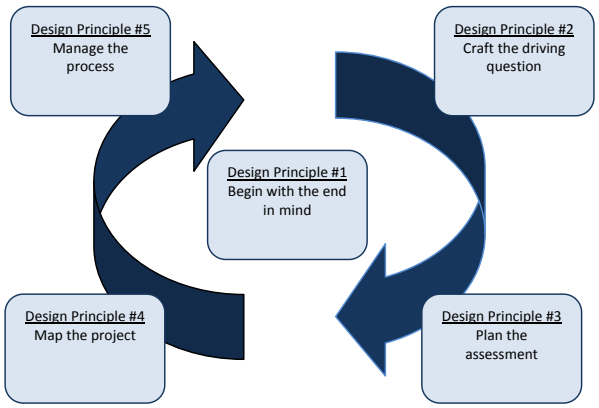
PBL is an approach for classroom activity that emphasizes learning activities that are long-term, interdisciplinary and student-centered. This approach provides more student autonomy than traditional, teacher-led classroom activities; in a project-based class, students often must organize their own work and manage their own time. Teachers, often in collaboration with students, provide project criteria to help students structure their time, research, and production needs. Within the project based learning framework, students collaborate with peers, teachers, and project-relevant expert adults from the community; working together to make sense of real-world issues. Products created in PBL are publicly presented to an authentic audience of peers and, whenever possible, community members. Project-based instruction differs from inquiry-based activity by its emphasis on collaborative learning. Additionally, project-based instruction differs from traditional inquiry by its emphasis on students' own artifact construction to represent what is being learned.

ELEMENTS

Elements of a good Project Based Learning experience include:

- A well devised question or issue that is rich, real and relevant to the students lives
- Real world use of technology

- Student-directed learning and/or the deliberate engagement of student voice
- Student collaboration with peers and adults
- Multi-disciplinary components
- Frequent teacher, peer, and self assessment of student work
- Long term (more than 3 weeks) time frame
- Outcomes-based, with artifact/s, presentation/s, or action/s produced from the inquiry
- Authentic audience for student products



*Designed by PBL-Online

ACTIVITIES

When used with 21st century skills, Project based learning is more than just an internet research task. Within this type of project, students are expected to use technology in meaningful ways to help them investigate and/or present their learning. Where technology is infused throughout the project, a more appropriate term for the pedagogy can be referred to as **iPBL** (copyright 2006, ITJAB), to reflect the emphasis of technological skills AND academic content. The PROMOTE Georgia Project is an excellent example of iPBL. This 2002 Georgia Department of Education initiative was developed by a team of instructional technologists. When used effectively, research has shown PBL, and iPBL, helps teachers create a high-performing classroom in which teachers and students form a powerful learning community. The aim is for real-life context and technology to meet and achieve outcomes in the curriculum through an inquiry based approach. A PBL approach is designed to encourage students to become independent workers, critical thinkers, and lifelong learners. Many teachers and researches involved in PBL believe it makes school more meaningful as it provides in-depth investigations of real-world topics and significant issues worthy of each individual child's attention and investigation.

Teachers and students are held accountable to learning subject-area content for projects. Content standards and curricular goals are clearly stated so that students understand the competencies that must be demonstrated in the process and production of projects. Teachers will improve the effectiveness of lessons through analysis and critique of student work to inform development of future projects. Teachers will collaborate to share professional expertise and experience to improve the learning of all students.

ROLES

PBL relies on learning groups; student groups determine how to work together by delegating all aspects of the project within the group and in so doing, not only encourage leadership skills, but instill interdependence, a skill necessary to succeed in their own future careers. This is what makes PBL constructivist.

After a few project-based learning cycles, the school culture begins to revolve around the learning groups; success in projects helps determine community status. Status is also achieved by helping less confident students succeed in projects.

OUTCOMES

More important than learning a topic or subject, students need to learn to work in a community, thereby taking on social responsibilities. The most significant contributions of PBL have been in schools languishing in poverty stricken areas; when students take responsibility, or ownership, for their learning, student learning improves and their self-esteem soars. In standardized tests, languishing schools have been able to raise their testing grades a full level by implementing PBL.

Summary of Learning Strategies

Research shows that when incorporating direct instruction and project based learning there is an increase in the students' chances of mastering the standard and the learning is retained longer. At Lifeline Education Charter School our goal is to use project based learning as an enhancement to direct instruction, allowing the students to understand how what they learn in school will be used and replicated in real life situations. According to the needs of the class, the goal is to offer Project Based Learning approximately once per semester.

Core Curriculum

The foundation of Lifeline Education Charter School's curriculum is pillared by the core standards set by the California Department of Education. The curriculum is regularly reviewed and assessed based upon benchmarks the curriculum team sets. The curriculum team is made up of administrators, the curriculum advisor, and various teachers.

The tools used to make benchmark assessments of the programs are selected from released questions from the California Standards Test ("CST"), the California High School Exit Exam ("CAHSEE"), and CELDT, as well as standards driven pre and post assessments. The state mandated testing window for CST and structured days for CAHSEE are set by the Department of Education. School assessments are done three times a year; at the beginning of school year (used as a placement test), at the beginning of second semester (to track progress and modify the student's current placement as needed), and at the ending of the school year (to verify results). This is done for all students grade 6-12. By constantly reviewing and inspecting the data and discussing the methods of instruction, Lifeline is able to design, adjust and ensure that the curriculum remains relevant and responsive to each individual student attending Lifeline Education Charter School.

Lifeline Education Charter School's curriculum team is responsible for creating curriculum that is challenging and parallels with the content standards set by the California Department of Education. The Assessment Team will meet each summer to investigate those programs approved by the state that may be used for intervention. Students having a difficult time in English Language Arts and Math will be placed

in a "shadow" class which will give them support to be successful in the English Language Arts and Math class. This highly successful structure will also be used with EL and Special Needs students. If budget permits, students will be given access at home via web based programs in order to be given additional time for intervention.

Curriculum and instruction at Lifeline Education Charter School is linked to standards and assessments. The Curriculum Team has molded our curriculum and tailored it to the specifications required by the State of California Standards while adapting it to the students of Lifeline Education Charter School. The curriculum focuses on enhancing student strengths and building areas of weakness. Instead of having a curriculum that measures students against students, Lifeline Education Charter School implements a curriculum that values mastery of concepts and skills that enable them to do well in their academic lives and take advantage of life's opportunities. Continual local research is regularly being conducted. The current instructional methods will continue to evolve and adapt ensuring it remains effective and relevant to the students of Lifeline.

The Campus Administrator consults with parents regarding Lifeline's educational programs on a broad basis through PTA meetings, newsletters and school educational pamphlets. The Campus Administrator will also hold individual conferences concerning ILP (individual learning plans).

Research has shown that there are three key processes in education that must be aligned to improve student achievement:

1) Standards and curriculum
2) Instruction
3) Assessments

The staff at Lifeline continually aims at aligning all three. There are regular lesson plan review sessions and opportunities to express ideas and strategies for reaching total alignment of all three key areas. Particular attention has been paid to addressing alignment of instruction and assessment. The educational staff regularly meet to review progress in this area.

Lifeline's curriculum coordinator focuses primarily on curriculum and on instructional strategies, supports teachers by reinforcing the goals set by the curriculum team and aiding in implementing sound strategies to ensure all students master standards. The coordinator meets with individual instructors as often as needed, sometimes daily depending on the instructor's level of experience, to aid in use and implementation of resource materials and development of instructional strategies to ensure **all** students demonstrate proficiency of the core curriculum.

Professional Development

Each academic department individually and collectively attends training workshops throughout the year in an attempt to examine a variety of appropriate instructional program materials that reinforce and extend skills, accommodate learning styles and ensure achievement of the State standards. All of the Departments are currently looking for ways to include a Project Based Learning approach through various research, individual, group and class projects.

To ensure maximum benefit from staff development opportunities, Lifeline Education Charter School provides planning periods for all staff. Each week the curriculum coordinator meets with each teacher, and the entire teaching staff meets as a whole monthly. During this time the staff receive training in:

- Aligning each lesson to the State Standards
- Aligning assessments to the State Standards
- Direct instruction strategies
- Classroom management
- Monitoring students' mastery of the standards
- Utilizing technology in the classroom
- Relieving stress in the workplace
- Meeting the needs of our Special Education students

Individuals have also been sent to offsite workshops for a wide variety of subjects such as:

- Funding sources to ensure the development of future professional development (ED source)
- Targeted Math Strengthening the math program (CEEA)
- Improve our writing program (The Stack the Deck Writing Program, VANTAGE, etc.)
- Improving classroom instruction (Data Works, middle and high school state-wide conferences, QUE)
- **Teachers will be trained and certified in EL Strategies in both SADIE and ELD.**

Lifeline Education Charter School also relies on other various training seminars conducted by The Charter School Association and similar organizations. In 2008 New West Charter became a mentor for Lifeline. New West Charter teachers mentored 4 of Lifeline's teachers in areas such as teaching strategies, lesson planning, instruction strategies, classroom management, and other necessary instructional areas. New West Charter will continue to mentor in the upcoming school year.

Textbooks

All the books used are on the State Approved list and are in unison with our curriculum. Books are correlated to directly align with the California State Content Standards. Many resource materials are also derived from these textbooks.

English

6th	Holt	Literature Introduced
7th	Holt	Literature and Language Arts
8th	Glencoe	The Reader's Choice # 3
9th	McDougal Littell	Literature
10th	Glencoe	Literature
11th	Glencoe	Literature (American)
12th	Glencoe	Literature British

Mathematics

6th	Glencoe	Mathematics 2
7th	Glencoe	Pre-Algebra
8th	Glencoe	Algebra I
Algebra 1	Glencoe	Algebra I

Geometry	Glencoe	Geometry
Algebra 2	Glencoe	Algebra II

Science

Earth Science	Glencoe	Earth Science
Life Science	Glencoe	Life Science
Physical Science	Glencoe	Physical Science
Earth Science	Glencoe	Earth Science Geology, the Environment, and the Universe
Biology	Prentice Hall	Biology
Chemistry	Glencoe	Chemistry Matter and Change
Physics	Serway/Faughn	College Physics

History/Social Studies

Ancient Civilization	TCI	History Alive - Ancient World
World History	TCI	History Alive - Medieval World
American History	TCI	History Alive - The United States
World History	McDougal Littell	Modern World History
American History	McDougal Littell	The Americans
Government	Glencoe	Government
Economics	Glencoe	Economics

Foreign Language - Spanish

Spanish I	Prentice Hall	PASO A PASO 1
Spanish II	Prentice Hall	PASO A PASO 2

Scope & Sequence

Please find the Scope and Sequence section attached as Appendix I.

ACADEMIC ACHIEVEMENT STANDARDS

Academic Courses

The courses offered at Lifeline Education Charter School are structured to prepare students to matriculate to college and/or enter the work force. The curriculum team and the faculty actively engage in Professional Learning Communities ("PLC") where they review the results on unit tests and other student work and determine what strategies are working and which are not. Adjustments to the curriculum calendar, instructional strategies, or emphasis on specific topics are discussed and adjusted to improve the delivery of instruction. Teachers and administration are constantly relying on student data to shape the monitoring and adjusting of the curriculum. Decisions also must be made as to the type of intervention to offer students immediately. Each course is developed to meet educational benchmarks, increase the student's capability and individual growth. As mentioned above, the faculty reviews which activities are successful, including the following elements: technology-assisted education, the integration of multi-cultural components throughout the curriculum in recognition of the school's ethnic diversity, community-based learning, and a career education component utilizing community and parent resources.

Lifeline Education Charter School students have similar graduation requirements as most local and county school districts. Students are placed on an exclusive four year graduation plan to meet (and at times exceed) the requirements for enrollment into the California State University or University of California systems right out of high school. Students study English/Language Arts and Science, Math, History/Social Studies, a foreign language, Art, Computers/Technology, Health and Physical Education. Lifeline Education Charter School students must demonstrate mastery of a core set of basic academic skills before moving onto higher-level, more abstract material.

Courses for Graduation

Lifeline strives to offer challenging curriculum aligned with the California State Standards and with the University of California a-g requirements. These requirements are respected as the most comprehensive and general guideline for university competancy around the country. Our students are held to those standards and are placed in a four year graduation plan as follows:

- *English - 4 years required:* Four years of college preparatory English based on California State Standards for English Language Arts.
- *Mathematics - 3 years required, 4 recommended:* Three years of mathematics, including elementary algebra, geometry, and second year (advanced) algebra. Mathematics courses taken in grades 7 and 8 may be used to fulfill part of this requirement if the completed course is equivalent to the offered course and was passed with a minimum grade letter of "B." A year of Pre-Calculus and Trigonometry is offered for students striving to complete a fourth year of math.
- *History/Social Science - 3 years required:* Three years of history/social science including one year of U.S. history, one year of World history, and one-half year of Economics and one-half year of Civics or American Government.
- *Science – 2 years required, 3 recommended:* Two years of science including one year of Biology and one year of Chemistry. Science also includes an accompanying lab. Physics is offered for students striving to complete a third year of study.
- *Physical Education – 2 years required:* The 2-year program reflects the goals of the California Framework for Physical Education:
    - Develop movement skills and movement knowledge
    - Self-Image and Personal Development
    - Social Development

- State mandated physical fitness testing will be held for all 9th grade students as per charter school and state agreements.
- NOTE: Beginning with the class of 2012, 9th grade students must pass 5 out of the 6 Physical Education Proficiencies in the 9th grade. If they fail to pass 5 out of 6 they will need to continue to take the proficiency test in 10th grade and pass those proficiencies not passed during the prior year. Students will remain in PE until 5 out of 6 are passed.

- *Language Other than English (Spanish) - 2 years required, 3 recommended:* Two years of the same language other than English. Spanish emphasizes speaking and understanding, and includes instruction in grammar, vocabulary, reading, and composition.
- *Visual and Performing Arts - 2 years required for all freshman beginning 2008-09:* Courses offered meet the four components of 1) Artistic Perception, 2) Creative Expression, 3) Historical and Cultural Context and 4) Aesthetic Valuing as outlined by the California Visual and Performing Arts Framework
- *Electives – 4 years required:* Courses offered prepare students for transitioning from school to institutions of higher learning and/or careers.

Courses for Graduation	2010-2011 Lifeline Education Charter School Requirements	U.C./CSU Requirements
English English I English II English III English IV	4	4
Mathematics Algebra I Geometry Algebra II Calculus	3 (4 recommended)	3 (4 recommended)
History/Social Science World History U.S. History Government Economics	3	2
Science Earth Science Biology Chemistry	2 (3 recommended)	2 (3 recommended)
Physical Education P.E. I P.E. II	2	
Foreign Language Spanish I Spanish II	2 (3 recommended)	2 (3 recommended)

Visual and Performing Arts Art Performing Arts Music	2	1
Electives Technical Arts Intro to Computers World Geography Life Skills Driver's Education Health Sports Journalism Yearbook	4	1

The Lifeline faculty selects educational objectives for each student using information about the student's academic and psychological needs and interests, contemporary life, and aspects of the subject matter that are useful to everyone. Data sources for the curriculum include standardized and classroom tests, teacher observation, on-going academic performance, and college/university feedback.

Parent Notification about Transferability/Eligibility of Courses

Ensuring that all courses meet UC/CSU eligibility requirements will not only ensure rigor and relevance for students but also acceptability if students were to transfer to other high schools in California. The school is preparing to apply to the Western Association of Schools and Colleges (WASC) for preliminary accreditation. Parents will be periodically and regularly informed about the progress of the UC course application and audit process as well as the WASC accreditation status. Our student and parent handbook will contain information about transferability of courses taken at Lifeline Education Charter School.

A letter from Lifeline Education Charter School will be sent to parents at the beginning of each school year informing them of the transferability of courses to other public high schools and eligibility of courses to meet college entrance requirements.

SPECIALIZED PROGRAMS

Concentrated Tutoring

Lifeline Education Charter School has also implemented multiple tutoring opportunities aimed specifically at addressing student's individual needs. Each program below has a specific focus.

California Standards Test (CST)

All students except seniors must participate in the California Standards Testing exams take this course. The preparatory course is offered as an elective during the regular school schedule. The objectives of the prep course are as follows:

- Students will develop an understanding of the format of the exam.
- Students will be acquainted with the format of the answer document.
- Students will be familiar with the subject content of the exam.
- Students will be familiar with time restraints associated with the exam.

- Students will demonstrate mastery of content knowledge.
- Special needs students will be given CAPA, CMA and **STS** appropriate to the student's level placement (Learning handicapped, Severely handicapped)

After School Tutoring

In this program, teachers offer their time after school to review what is being taught in the classroom. This program is open to all students, but the focus is on those students whose best efforts result in below average academic achievement. Students with a "C" or below are strongly encouraged to take advantage of this program. The focus of this program is student academic achievement, mastery of established benchmarks, and preparations for state examinations.

After School Education and Safety Program (ASES)

Lifeline was awarded an ASES grant and began implementing the program to its 6th through 8th graders on September 7, 2011. Please review the information below as described by the CDE website.

Introduction

The After School Education and Safety (ASES) Program is the result of the 2002 voter-approved initiative, Proposition 49. This proposition amended California *Education Code* (*EC*) 8482 to expand and rename the former Before and After School Learning and Safe Neighborhood Partnerships Program. The ASES Program funds the establishment of local after school education and enrichment programs. These programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment and safe constructive alternatives for students in kindergarten through ninth grade (K-9). Funding is designed to: (1) maintain existing before and after school program funding; and (2) provide eligibility to all elementary and middle schools that submit quality applications throughout California. The current funding level for the ASES program is $550 million.

Purpose and Objectives

The ASES program provides an opportunity to merge school reform strategies with community resources. The goal is to support local efforts to improve assistance to students and broaden the base of support for education in a safe, constructive environment. It is the intent of ASES program legislation to encourage schools and school districts to provide safe and educationally enriching alternatives for children and youth during non-school hours. The program creates incentives for establishing locally driven before and after school education and enrichment programs.

The ASES program involves collaboration among parents, youth, representatives from schools and governmental agencies, such as local law enforcement and local parks and recreation departments, and individuals from community-based organizations and the private sector. Programs are created through partnerships between schools and local community resources to provide literacy, academic enrichment, and safe, constructive alternatives for students in grades K-9.

Program Elements

The ASES program must be aligned with, and not be a repeat of, the content of regular school day and other extended learning opportunities. A safe physical and emotional environment, as well as opportunities for relationship building, must be provided. After school programs must consist of the two elements below and ASES program leaders work closely with school site principals and staff to integrate both elements with the school's curriculum, instruction, and learning support activities.

1. An **educational and literacy element** must provide tutoring and/or homework assistance designed to help students meet state standards in one or more of the following core academic subjects: reading/language arts, mathematics, history and social studies, or science. A broad range of activities may be implemented based on local student needs and interests.
2. The **educational enrichment element** must offer an array of additional services, programs, and activities that reinforce and complement the school's academic program. Educational enrichment may include but is not limited to, positive youth development strategies, recreation and prevention activities. Such activities might involve the visual and performing arts, music, physical activity, health/nutrition promotion, and general recreation; career awareness and work preparation activities; community service-learning; and other youth development activities based on student needs and interests. Enrichment activities may be designed to enhance the core curriculum.

Operational Requirements

All staff members who directly supervise pupils must meet the minimum qualifications, hiring requirements, and procedures for an instructional aide in the school district. School site principals approve site supervisors for the after school program and ensure that the program maintains a pupil-to-staff member ratio of no more than 20 to 1.

A nutritious snack is provided daily to students participating in the program. The snack provided must meet the standards identified in *EC* Section 49430.

ASES grantees are required to operate programs a minimum of 15 hours per week and at least until 6:00 p.m., beginning immediately upon conclusion of the regular school day. Programs must plan to operate every regular school day during the regular school year.

After School Programs

It is the intent of the legislation that elementary school pupils participate in the full day of the after school program every day. Middle schools may adopt a flexible schedule to meet student needs and interests to accomplish program goals; students may attend three days within nine hours. However, the program must remain operational five days per week and three hours per day on every regular school day.

Evaluation Criteria

Before and/or after school programs participating in the ASES Program are required to submit annual student outcome data to the California Department of Education from local program evaluations. Data must include research-based indicators and measurable student outcomes for academic performance, attendance, and positive behavioral changes. The California Department of Education may consider the results of these evaluations when determining eligibility for three year grant renewal.

California High School Exit Examination (CAHSEE) Preparation

The focus of this program is to prepare and aid students in demonstrating proficiency on the CAHSEE. This program is for all 10th, 11th and 12th grade students who did not pass one or more parts of the exit exam. The class meets two months before the test on Saturdays and two weekdays after school. Our research shows that this opportunity is needed to relieve the stress associated with high-stakes testing. The objectives of the program are:

- Students will be familiar with the purpose of the exit exam.

- Students will be familiar with the format of the exit exam.
- Student will identify specific areas of strengths and weakness related to what is being assessed.
- As per state requirements, seniors not passing one or both sections of the CAHSEE will be offered tutoring and opportunities for testing for two years past their original graduation date.
- Special needs students will be provided education at Lifeline Charter Learning Academy until age 22 as per Federal Regulations (IDEA)

Peer to Peer

John Wooden, retired basketball coach for UCLA said, "*The best way to learn is to teach*." This program allows students who have demonstrated *mastery* in an academic subject to aid other members of the student body, fortifying both students. To qualify as a tutor, the student must have been recommended by an instructor of the particular subject. This program allows students that need one to one assistance in a subject to receive that help. All tutors are under the supervision of a teacher.

STUDENTS WITH SPECIAL NEEDS

Students At-Risk of Retention

While the Charter School holds the same high expectations for all students, faculty and staff members ensure that no individual student falls behind. Lifeline has instituted comprehensive support for all students, such as limiting class size to 28 students, after school tutoring, and assistance during off-time periods that help support students so they do not "fall through the cracks of education."

Academically Low-Achieving Students

Upon identification of any student as academically low-achieving either through teacher recommendation or based on the student's grades below a "C":

1. Lifeline informs parents of the student's academic standing within one week of identification.
2. Within three weeks of identification, Lifeline schedules a conference with the SST committee (student, parent, teachers, and administrative staff) to develop an action plan. The action plan has specific responsibilities for the student, parent, and teachers.
3. The student receives supplemental support services. In the areas where the student is struggling most the classroom teacher and/or assistant teacher offers one-to-one instruction. The student also participates in programs such as, SRA Reach, *Language!* or the more intense DI (Direct Instruction).
4. The student is enrolled in a remediation program such as the After School Program.
5. Special needs students are by law allowed to attend Lifeline until age 22 as per Federal guidelines (IDEA)
6. Special needs students meeting the qualifying criteria will be offered CAPA, CMA, STS in place of the California Standards Test as be State Education Code.

Academically High-Achieving Students

Students identified as "high achievers" will be recommended to attend El Camino College - Compton Campus to take on more challenging curriculum, work on their high school credits, and work on their college credits. Additionally, upon completion of college level mathematics and English, students will be able to take on a full range of courses at the community college such as electives, vocational courses, and assistance courses.

Advanced Academic Achiever Program

Students identified as academically advanced achievers will have their courses supplemented by Plato, an online resource kit used to challenge those students.

Promotion and Retention of Students

There are no social promotions at Lifeline Education Charter School. Students also have the capacity to accelerate far beyond the "age-specified" curriculum based on interest, skill, and mastery of prerequisite knowledge.

Lifeline Education Charter School has clearly defined expectations for what students should know and be able to do at each grade level in each subject in an effort to equip all students with the academic skills that enable them to pursue educational and career goals. The parents are provided at the first PTA meeting each year with the standards and expectations for each student. Promotion and retention of students are based on several assessment measures such as and by the recommendation of the educators or the parents. The ultimate decision will be made by the executive director and the parent/guardian.

The administrative and/or teaching staff prepares a written determination to specify the reasons for retention, including recommendations for interventions that are necessary to assist the student in attaining acceptable levels of academic achievement. The student's parents, the student's teachers, and the administrative staff meet to discuss the written determination.

Students identified for retention must participate in a remediation program (i.e. after-school tutoring and summer school). The staff reassesses the student's academic performance and reevaluates the decision to retain or promote the student at the end of the remediation program.

The staff determines the promotion and retention of special education students according to the individual student's IEP.

Serving English Learners

Overview

Lifeline Education Charter School will meet all applicable legal requirements for English Learners ("EL") as they pertain to annual notification to parents, student identification, placement, program options, EL and core content instruction, teacher qualifications and training, re-classification to fluent English proficient status, monitoring and evaluating program effectiveness, and standardized testing requirements. The Charter School will implement policies to assure proper placement, evaluation, and communication regarding ELs and the rights of students and parents.

Home Language Survey

The Charter School will administer the home language survey upon a student's initial enrollment into the Charter School (on enrollment forms).

CELDT Testing
All students who indicate that their home language is other than English will be CELDT tested within thirty days of initial enrollment[1] and at least annually thereafter between July 1 and October 31st until re-designated as fluent English proficient.

The Charter School will notify all parents of its responsibility for CELDT testing and of CELDT results within thirty days of receiving results from the publisher. The CELDT shall be used to fulfill the requirements under the No Child Left Behind Act for annual English proficiency testing.

Strategies for English Learner Instruction and Intervention
Lifeline Education Charter School meets all requirements of federal and state law relative to equal access to the curriculum for English Learners. Our goal is to develop high quality instructional programs and services for English Learners that allow them, within a reasonable amount of time, to achieve the same challenging grade level and graduation standards, in the same proportion, as native-English speaking students. Native Spanish-speakers also continue to study Spanish in order to capitalize on their potential to become bilingual and bi-literate in Spanish and English. To prepare students for the complexities of a diverse and multicultural world, Lifeline Education Charter School emphasizes the strength of being bilingual.

The English Language Literacy intensive component of the program supports English Learner students through:

- A teaching staff qualified in second language pedagogy;
- An after school program and summer school program with a strong language literacy focus

Lifeline Education Charter School administers the CELDT, which initially identifies students as English Learners, determines individual student level of English proficiency, and assesses student progress in acquiring English proficiency. Listening, speaking, reading, and writing skills are assessed. Students receive a score identifying their English proficiency level:

- Beginning
- Early Intermediate
- Intermediate
- Early Advanced
- Advanced

Students are classified as Fluent English Proficient if they achieve an overall proficiency level of Early Advanced or above and proficiency levels of Intermediate or above in all three test components (listening/speaking, reading, and writing). Students scoring below the Early Advanced level are identified as English Learners.

[1] The thirty-day requirement applies to students who are entering a California public school for the first time or for students who have not yet been CELDT tested. All other students who have indicated a home language other than English will continue with annual CELDT testing based upon the date last tested at the prior school of enrollment.

The CELDT is administered to all new students with a home language other than English (as indicated on their Home Language Survey) and to all English Learners annually to determine student's individual proficiency level for reclassifying students to Fluent English Proficient ("FEP"). Once an English Learner student is identified, a conference is scheduled with the parent to outline the instructional program, the teacher's role in implementing the instructional program, the Charter School's role in supporting the instructional program, and the parents' role in supporting the instructional program.

Lifeline Education Charter School will continue to comply with all federal, state, and judicial mandates for English Learners. The school will have a Charter School assigned evaluator test and assess the English proficiency of EL students, using the CELDT.

All students identified by their Home Language survey are given the CELDT at least once yearly to measure their progress towards proficiency in the English language. The results of the 2010-2011 CELDT test administration for grades 9-11 are as follows:

Grade	Advanced	Early Advanced	Intermediate	Early Intermediate	Beginning
9th	0	0	0	0	2
10th	0	2	3	1	0
11th	0	0	3	3	2
12th	1	2	1	1	0

Lifeline Education Charter School is dedicated to providing all English Learners with an exceptional education and transitioning them into English Proficiency as soon as possible. Lifeline Education Charter School also recognizes the importance of valuing students' native languages, and reinforces an appreciation for the cultures, customs, and languages of all its students through the school's score curriculum, enrichment programs, and life-skills curriculum.

Lifeline Education Charter School seeks to hire faculty who have received CLAD (Cross Cultural Language Acquisition Design) or California Commission on Teacher Credentialing ("CCTC") equivalent training. In addition, staff is trained in various teaching strategies such as GLAD (Guided Language Acquisition Design), scaffolding techniques, and the use of graphic organizers, to ensure that all students are provided with multiple avenues to access the curriculum.

Lifeline Education Charter School ensures that all EL students have access to the core content, and will employ or contract with the necessary specialist in order to do so. Should a child not be officially identified as EL, he/she is monitored regularly via various assessment techniques to ensure their retention of the material.

The school will translate materials as needed to ensure that parents of ELD students understand all communication and are involved in all processes related to the education of their child.

Reclassification of English Learners

Lifeline will follow the following steps in reclassifying English Learner students:

1) Review the annual CELDT results for English-language proficiency. In order to be reclassified, a student must meet the CELDT definition of proficiency, which is an overall score of early advanced or advanced, and scores are intermediate or above for each of the sub-skill areas: listening, speaking, reading, and writing. If the student meets this criterion, we move on to the next step in the reclassification process otherwise the student will remain as an English learner.

2) In addition to meeting CELDT's definition of proficiency students must attain at least basic status in English Language Arts on the California Standardized Tests.
3) Students who meet the CST criterion must obtain at least a grade of "C" on the end semester English Language Arts assessment.
4) The fourth step in the process is parental opinion and consultation. If the student has satisfied all criteria for reclassification, then notice should be provided to parents and guardians of their rights to participate in the reclassification process. The notice also should encourage their participation in this process.

Finally, the student would be reclassified to fluent English proficient ("RFEP"). As part of this process, parents and guardians are notified, school records are updated, and Lifeline continues to monitor the student's progress for two years. If the student fails to progress, the school will provide the necessary intervention.

English Language Development (ELD)

English Language Development is a specific curriculum that includes the teaching of the English language according to English proficiency levels assessed by the CELDT examination. The purpose of English Language Development is to teach the English Learner to communicate (listen, speak, read, and write) in English and perform well in all other subjects.

Instruction

When a student has scored below CELDT standards, that student will be enrolled in ELD supported classes with individualized curriculum that correlates with the California ELD standards. Hampton Brown's *Highpoint Curriculum* is used with all ELD students until the newest edition (under a new title) is available from the publisher and teachers have received the appropriate training. This new approach is scientifically research based and meets the criteria for approval under NCLB. ELD students who continually have difficulty in core classes will be placed in additional shadow classes to help in their transition from their home language to English. Lifeline carefully assesses students to ensure that through their English skills, which may appear to be high, are, in fact, very weak due to the lack of appropriate knowledge of academic vocabulary. The theory is that if a student cannot comprehend the English language and/or have enough knowledge of academic vocabulary, they will not be able to adequately perform in all other classes. Depending on their level of proficiency, students will also be given a class is writing which will help in passing the CAHSEE. Teachers will also adhere to the State of California ELD Standards and understand the correlation between those standards and the Core Content Standards. All teachers new to Lifeline will receive appropriate training in this area due to the importance of developing strong teaching strategies for all students.

Class Setting

Students in the Beginner, Early Intermediate, Intermediate, and Early Advanced (as necessary) proficiency levels, will undergo an extensive English/Language Arts combination which will emphasize all the necessary components as prescribed in the *California Standards Correlation Matrix.* All other subjects will be molded and adapted to meet the students English Proficiency level.

Advancement

Having a class setting where students have close interaction with a teacher will greatly impact a student's ability to improve their English Proficiency levels. Students will be closely monitored and assessed as

needed or at a minimum of twice per year (generally once per semester). Once a student has advanced into the next level, notification will be made to the Administration Team including the Director. Curriculum will be adjusted according to the new placement level. Mainstream placement will be incorporated for students at the Early Advanced or Advanced levels. After students have successfully advanced and exited the ELD program, students will be monitored on a monthly basis for six months to ensure they have properly attained a satisfactory proficiency level.

If students have not advanced or are continually at the same proficiency level, student curriculum will be restructured to address the problematic issues in greater detail; After-School tutoring may be suggested and/or strongly encouraged. If a condition has not improved within a year, a recommendation may be made to schedule a meeting with the Special Education Coordinator. Further tests and recommendations will follow in the best interest of the child's academic future.

SDAIE INSTRUCTION

SDAIE (Specially Designed Academic Instruction in English) or sheltered instruction is a strategy that must be implemented within classrooms where English Learners are in attendance. These strategies have been shown to be effective for all students and could help teachers differentiate their instructional delivery. The content standards, as well as all of the benchmarks for sheltered language classes are synonymous to the college prep mainstream courses as well. These strategies must be implemented in all subject areas because there are students who are developing their English language skills across the curriculum. The strategies that the teacher **must** use are as follows:

- Modeling
- Scaffolding of new information
- Cooperative learning
- Utilizing Graphic organizers
- Assessments using multiple modalities
- Utilizing audiovisual materials
- Any tools that provide students with ample opportunities to reinforce learning
- Use of technology (power point presentations etc….)
- Emphasis on building Academic Vocabulary
- Emphasis on developing writing skills in their native language as well as English.

ELD Program Matrix for Grades 6-8th grade Utilizing the High Point Curriculum

Core Literature

Student Levels	Program	ELD Instruction	Other Classes
Beginning CELDT Level 1 & Early Intermediate CELDT Level 2	ELD Program SDAIE Instruction -Language support assistance -supplementary support	ELD 1/English 1 Hampton-Brown High Point Level Basic & Level A & B	SDAIE instructional support

	material		
Intermediate CELDT Level 3 & Early Advance CELDT 4/5	ELD Program	SDAIE Instructional Support / Mainstream English Class	SDAIE Instructional support

*If after the first semester, students at the beginning level showing significant progress and pass with a score of an intermediate or above on the CELDT assessment, they will be integrated into the mainstream English class. Students will also be given additional support during their first year of transition to ensure success in their mainstream English Language Arts class. This may be in the area of reading, writing or both, reading and writing. The student should demonstrate proficiency during this transition time to ensure success. The program My Access by Vantage Learning is a very strong tool to use to support those students in this situation. This is a web based program which allows students to receive feedback on writing samples they word process into the computer and send via the web. A critique with suggestions to improve their writing comes back to the student within 30 – 40 seconds. This quick response encourages students to increase their writing and supports the research that encourages getting feedback to students as soon as possible. This program can be accessed at school and at home.

ELD Program Matrix for Grades 9th-12th grade Utilizing the High Point

Core Literature

Student Levels	Program	ELD Instruction	Other Classes
Beginning CELDT Level 1 & Early Intermediate CELDT Level 2	ELD Program SDAIE Instruction -Language support assistance -supplementary support material	ELD 1/English 1 Hampton-Brown High Point Level Basic & Level A & B	SDAIE instructional support
Intermediate CELDT Level 3 & Early Advance CELDT 4/5	ELD Program	SDAIE Instructional Support / Mainstream English Class	SDAIE Instructional support

*If after the first semester, students at the beginning level who show significant progress and pass with a score of intermediate or above on the CELDT exam, they will be integrated into the mainstream English class.

Evaluation: the ELD standards established four levels of language proficiency from "pre-production" (the student can understand a question but does not know enough language to reply) to "advanced intermediate fluency" (the student is close to the proficiency of a primary speaker and develops the ability to make a transition to the regular English classroom). ELD teachers focus on the same skills –speaking, reading, listening, and writing.

Serving Students with Disabilities

Overview

The Charter School shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act ("Section 504"), the Americans with Disabilities Act ("ADA") and the Individuals with Disabilities in Education Improvement Act ("IDEIA").

The Charter School shall be categorized as a local educational agency in accordance with Education Code Section 47641(a).

The Charter School shall comply with all state and federal laws related to the provision of special education instruction and related services and all SELPA policies and procedures; and shall utilize appropriate SELPA forms.

The Charter School shall be solely responsible for its compliance with the IDEIA, Section 504 and the ADA. The facilities to be utilized by the Charter School shall be accessible for all students with disabilities.

Section 504 of the Rehabilitation Act

The Charter School recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program of the Charter School. Any student, who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.

A 504 team will be assembled by the Campus Administrator and shall include the parent/guardian, the student (where appropriate) and other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and accommodations. The 504 team will review the student's existing records; including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. If the student has already been evaluated under the IDEIA but found ineligible for special education instruction or related services under the IDEIA, those evaluations may be used to help determine eligibility under Section 504. The student evaluation shall be carried out by the 504 team, which will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation in the educational program and/or activities. The 504 team may also consider the following information in its evaluation:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel.

- Tests and other evaluation materials including those tailored to assess specific areas of educational need, and not merely those which are designed to provide a single general intelligence quotient.

- Tests are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level, or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills.

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and notice is given in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEIA, a referral for assessment under the IDEIA will be made by the 504 team.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations or services are needed to ensure that the student receives a free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by the School's professional staff.

The 504 Plan shall describe the Section 504 disability and any program accommodations, modifications or services that may be necessary.

All 504 team participants, parents, guardians, teachers and any other participants in the student's education, including substitutes and tutors, must have a copy of each student's 504 Plan. The site administrator will ensure that teachers include 504 Plans with lesson plans for short-term substitutes and that he/she review the 504 Plan with a long-term substitute. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, needed modifications to the plan, and continued eligibility.

Services for Students Under the IDEIA

Lifeline Education Charter School recognizes the importance of providing educational opportunities to all students regardless of physical or special needs. To that end, Lifeline Education Charter School is responsible for the provision of special education services to identified students enrolled at the Charter School and for ensuring that appropriate programs are implemented based on the student's IEP in compliance with state and federal laws.

The Charter School intends to provide special education instruction and related services in accordance with the IDEIA, Education Code requirements, and applicable policies and practices of the Special Education Local Plan Area ("SELPA"). Lifeline acts as its own local educational agency ("LEA") for purposes of special education and is a member of the El Dorado Charter SELPA. Lifeline Education Charter will independently contract with certificated Related Services Professionals, including but not

limited to, School Psychologists, Nurse, Speech Pathologist, Adaptive Physical Education Teacher, Occupational Therapist, for the provision of services for Lifeline students.

Lifeline Education Charter School provides appropriate services for the exceptional needs student according to the plan developed pursuant to Education Code Section 56710, and in compliance with the California Master plan for Special Education (Education Code Section 56000 et.seq.).

In accordance with state and federal law, each student eligible under IDEA (Individuals with Disabilities Education Act) will be provided a free appropriate education in the least restrictive environment. The decisions regarding the specific services each student will receive are the responsibility of the Individualized Education Team. The Team includes the involvement of student, parents, general education teachers, special education teacher, administrator, and/or any designated related services personnel and the decisions are formulated in a written individualized education plan (referred to as an IEP).

The identification process for students who would be eligible for special education services begins when students have been accepted and enrolled in Lifeline Education Charter School. All incoming students participate in a series of diagnostic assessments in Language Arts and mathematics. In addition students are also eligible through the "child find" process which is an ongoing aspect of the instructional program at all schools.

A child with disabilities attending Lifeline Education Charter School shall receive Specialized Academic Instruction or Designated Instruction and Services, or both, in the same manner as a child with disabilities who attends school in other LEAs in California. Lifeline Education Charter School shall ensure that all children with disabilities enrolled in Lifeline Education Charter School receive special education and instruction in a manner that is consistent with their Individualized Education Plan and in compliance with the Individuals with Disabilities Education Act (20 USC Sec. 1400 *et seq.*) and implementing regulations.

SELPA Membership Plan
As a member of the El Dorado Charter SELPA, Lifeline has made assurances in accordance with the SELPA Plan and policy including but not limited to the following:

1. FREE AND APPROPRIATE PUBLIC EDUCATION: The Charter School shall assure that a free and appropriate public education will be provided to all enrolled students including children with disabilities who have been suspended or expelled from school.

2. FULL EDUCATIONAL OPPORTUNITY: The Charter School shall assure that all students with disabilities have access to the variety of educational programs and services available to non-disabled students.

3. CHILD FIND: The Charter School shall assure that all students with disabilities are identified, located, evaluated, and offered a free, appropriate public education.

4. INDIVIDUALIZED EDUCATION PROGRAM (IEP): The Charter School shall assure that an IEP is developed, maintained, reviewed and revised for each child with a disability who is eligible for special education services in accordance with applicable law.

5. LEAST RESTRICTIVE ENVIRONMENT: The Charter School shall assure that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Placements in the least restrictive environment shall be pursued for students with disabilities through the utilization of supplementary aids and services in the general education learning environment.

6. PROCEDURAL SAFEGUARDS: The Charter School shall assure that children with disabilities and their parents shall be provided with procedural safeguards through the identification, evaluation, and placement process and provisions for a free appropriate public education.

7. ANNUAL/TRIENNIAL ASSESSMENT: The Charter School shall assure that an IEP review shall be conducted at least on an annual basis. Additionally, a reassessment shall be conducted at least once every three years or more often if conditions warrant, or requested by the student's parent or teacher.

8. CONFIDENTIALITY: The Charter School shall assure that the confidentiality of personally identifiable data shall be protected at collection, storage, disclosure and destruction.

9. PERSONNEL STANDARDS: The Charter School shall assure that it will make good faith efforts to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities.

10. PARTICIPATION IN ASSESSMENTS: The Charter School shall assure that students with disabilities are included in general State and District-wide assessment programs with appropriate accommodations, when necessary.

11. Further, Charter School will be required to comply with the SELPA Local Plan and perform all corrective actions deemed necessary by Lifeline administration and/or the SELPA. The oversight of the special education programs at the Charter School will be provided by a staff member designated by the school to serve as the special education coordinator who has extensive experience in the area of special education service delivery and state and federal statutes and regulations. Additionally, Lifeline will free and appropriate public education. Charter School staff will develop an annual special education budget, hire necessary personnel, contract for appropriate services and document the qualifications and competency of administrative staff to meet special education quality and compliance requirements.

Additionally, the California Special Education Management Information System (CASEMIS) information will be reviewed by the Charter School's Special Education coordinator at least monthly to insure compliance with state and federal statutes, reporting requirements, and timelines. Periodic staff development will also be provided to the Charter School to address local needs, review changes in the law, and introduce promising educational interventions.

The primary method of identifying students eligible for special education services is through the registration process, after a student has been enrolled based upon their student history. Students are also eligible for special education identification and eligibility determination through the School's "child find"

process. Instructional staff is instructed about the characteristics of special education handicapping conditions and referral procedures. The Charter School provides psycho-educational diagnostic services to assess students for each of the 13 special education eligibility categories as defined by state and federal law.

(A complete list of services is documented in **Appendix I – SELPA**)

Lifeline Education Charter School has hired a Special Education Administrator. The Administrator will oversee onsite Special Education staff and services ensuring that all required rules and regulations are adhered to. The Administrator has the appropriate Special Education Certification. El Dorado County SELPA will provide support training and funding.

ELEMENT II – MEASURING STUDENT OUTCOMES

Governing Law: The measurable pupil outcomes identified for use by the charter school. "Pupil outcomes," for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program. Education Code Section 47605(b)(5)(B).

And

ELEMENT III – METHODS OF MEASUREMENT

Governing Law: The method by which pupil progress in meeting those pupil outcomes is to be measured. Education Code Section 47605(b)(5)(C).

Lifeline Education Charter School has set high standards for all students based on the California State Content Standards. Lifeline Education Charter School has accepted the challenge of meeting the educational goals of our diverse population. The population at Lifeline includes a range of students who have been: in search of a smaller learning environment, neglected by their previous school district and have not had their needs addressed, diagnosed with learning disabilities; shown chronic educational deficiencies; previously removed from other educational institutions; and identified as at-risk students.

Currently all students attending Lifeline Education Charter School will have an Individualized Learning Plan ("ILP") developed in collaboration with the student, parent and teacher outlining the student's personal learning goals for each semester.

Lifeline seeks to provide valuable educational experiences and build the capacity for participating and graduating students to be well adjusted human beings, lifelong learners, and high achieving scholars. To meet these aims, Lifeline focuses on training individual, social, and academic characteristics that enable student success. In particular, students are made aware of their individual habits, situated in a climate conducive to growth, and taught cultural cohesiveness.

Examples of successful individual characteristics Lifeline seeks to train are:

- focus
- concentration
- resilience
- resourcefulness

Examples of social characteristics Lifeline seeks to train are:

- cooperation
- teamwork
- connection
- sharing

Examples of academic characteristics Lifeline seeks to train are:

- authenticity
- originality
- quality
- determination
- perseverance

Lifeline believes that through dealing with high expectations and rigorous demands, the student learns the essential aspects of how competency plays out at the learning level.

Examples of high expectations are:

- meeting & exceeding A-G requirements
- collegial peer competition
- expectation of college entrance

Examples of rigorous demands are:

- the peer review process
- the teacher review process
- exhibitions, portfolios
- excellence on standardized tests

These relevant educational experiences form the measurable outcomes that school productivity or evaluation is based on. In particular, Lifeline's Expected Schoolwide Learning Results ("ESLRs") comprise the measurable characteristics that progress can be compared to. Through teaching content/subject competencies, it is believed that the Lifeline student comes to learn, embrace, and embody the ESLRs (as well as become a functional, literate, participating, and contributing member of the learning community).

To meet the needs of the student population and their future needs as members of society, Lifeline's model aims to help students become self-directed life-long learners. Lifeline understands a self-directed life-long learning emphasis must be objectively assessable and conforms its emphasis to comply with required state assessments (the STAR tests), and specifically utilizes a variety of criteria and norm referenced measurements to assess growth and comparability. To establish a foundation of success, Lifeline will develop the measurable pupil outcomes described in the chart below.

Students' initial assessment on basic competencies in English, Math, and critical thinking represents the foundation for developing a learning plan that focuses on *learning how* to learn over a lifetime rather than on more narrow vocational skills and knowledge. While Lifeline prefers to describe the learning aims of the long range approach to education, our school is dedicated to setting high standards for utilizing a variety of research based, objective, and comprehensive methods for measuring pupil progress.

Lifeline Education Charter School is specific in setting its student outcomes. Our purpose is to implement the proven methods of best practices from successful charter models, modified for 6-12th grade education. Lifeline will continue to seek appropriate partnership opportunities with other successful charter schools and will work closely with the Authorizing Agency to develop quantifiable measurable student outcomes

to further enhance the outcomes presented in this charter. Additionally, we are currently working with New West Charter to improve our middle school student outcomes and are actively seeking a partnership with a high school charter.

Methodology of Assessing Student Progress

Lifeline Education Charter School's academic program is driven by the California Content Standards. To ensure the success of our students and the effectiveness of our teachers, Lifeline has adopted methods for measuring pupil progress. Students in Lifeline Education Charter School are regularly evaluated in all areas of achievement by a combination of ongoing teacher assessments, portfolios, testing and exams, and any appropriate district performance exam.

The Charter School shall pursue the following pupil outcomes as measured by the following methods of assessment:

Measurable Pupil Outcomes	Benchmarks	Assessment Methods*
Basic Skills – *shows mastery at or above grade level in all core subjects* • Mathematics • Science • Social Studies • Language Arts (including reading, writing, listening and thinking skills	1. 75% of students demonstrate subject competence all core subjects in year 1 by scoring basic or above in STAR subject exam. 2. 95% of students demonstrate competence in all core subjects by year 5 as measured by scoring basic or above in STAR subject exam. 3. 35% of students scoring at proficient or above at year 1, and by year 3, 50% students scoring proficient or above.	ST, TA, SP, CT, OE, BMA
Thinking Skills – *shows mastery in thinking skills and is able to apply to real life situations* • Critical Thinking • Decision Making • Problem Solving • Reasoning	1. Incidents resolved through conflict resolution 2. 95% percent participation in community service activities 3. Less than 2% of students suspended or expelled	ST, TA, SP, CT, CS, OE, CDP, BMA
Life Skills – *demonstrates individual qualities including:* • Self Management/ Time Management • Sociability • Positive Self-concept • Responsibility	1. 95% or higher attendance rate 2. 75% of students continuing education post high school 3. 100% promotion rate	TA, SP, CS, OE, CDP
Character Development – *demonstrates positive personal qualities including:* • Integrity • Responsibility • Respect • Honesty • Fairness • Giving	By year 5: 1. 95% participation in community service projects 2. 10% reduction in classroom discipline referrals	TA, SP, CS, OE, CDP

* **Assessment Methods:** Standardized testing (ST), Teacher Assessments (TA) benchmark assessments or CFAs, (BMA) Student Portfolios (SP), Class room test, exams and quizzes (CT), Community Service (CS), Observation/Evaluation (OE), Character Development Program (CDP)

Lifeline utilizes a variety of assessment tools, as demonstrated in the chart above, appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with measurable student outcomes. Lifeline reports the outcomes of these assessments in the form of STAR reporting. Examples of supplemental assessment tools utilized are:

- Pre and post testing as well as benchmark assessments establish~~es~~ a baseline from which growth can be assessed. Criterion referenced pre and post testing provides data by which comparisons can be made.
- Portfolios provide samples of demonstrated knowledge (authentic assessment) of what a child knows and is able to do (demonstrate).
- Criteria based assessments assess growth where as norm referencing compares progress to an established hypothetical standard.

Student evaluation is defined as the process of interpretation and use of information to make decisions and judgments regarding the quality and value of student work. Evaluation of student work is conducted in reference to the annual individualized learning plan and the requirements to meet district and state standards.

Standardized Testing

Lifeline Education Charter School uses a series of testing practices to determine levels of achievement for students. These tests include but are not limited to: Norm-referenced exams are specific exams describing a student's performance by comparison to a normal group: e.g. Scholastic Aptitude Test and other nationally recognized assessments. Performance-based or criterion referenced assessments that relate student performance directly to performance standards, such as the State of California Core Content Standards assessments are regularly utilized by the Charter School. These assessments provide one form of an analytical data approach to student performance and are used as key criteria to adjust instructional strategies and modify learning plans. These assessments are developed by the State of California. Criterion referenced assessments demonstrates progress in the areas of Math, English Language Arts, Science and Social Studies. This specific assessment is called the California Standards Test or CST. Students who demonstrate performance in the lower 10% of the population are to take a special assessment called the CAPA. Teachers will be giving additional assessments called Benchmark assessments developed by the four core departments to assess student progress at specific intervals during the year. These assessments are used to identify concepts that need to be re-taught or the need for specific student intervention before the CST assessment window or CAHSEE administration dates.

It is a common practice for publishers to have an assessment correlated to the text. This is a possible option within a specific course. Options exist for correlation of assessments with curriculum. Norm referenced assessments such as the CHSPE, GET, SAT, SAT II, etc) are used to compare performance between schools and population demographics nationally

Teacher Assessments

Lifeline Education Charter School teachers provide teacher assessments for all students to assist in determining student achievement. Teacher evaluation of student work includes but is not limited to:

- a review of assignments
- evaluation of worksheets
- projects
- special assignments
- locally administered evaluations of student work
- benchmark assessments as described in the previous section

Summative assessments are done at the end of a unit, course or sequence of lessons. The chapter test, final exam, final draft of a writing project, and senior exhibition are all examples of summative assessments. Rubrics and established benchmarks are utilized to objectify evaluation. In instances where subjectivity is involved, assessment committees can be formed, or subject experts can be brought in. In addition to summative evaluations, formative evaluations (research based and data driven) are utilized to make mid-course corrections or adjustments to the instructional or learning process. Benchmark assessments are administered at strategic times during the year according to the Curricular Calendar.

Student Portfolios

A student portfolio is maintained for each student at Lifeline Education Charter School. Portfolio evaluation (showcase portfolio) includes a purposeful and systematic collection of selected student work and self-assessment developed over time in collaboration with the teacher. Lifeline Education Charter School staff has developed procedures and assessment criteria to review, evaluate and compare student portfolios in order to rank portfolios the showcase portfolio is a collection or gathering of a student's best work from all aspects of his learning experiences including examples from academic curriculum, co-curricular activities and examples of work from community service. Collected work samples are based on annual learning plans. This showcase portfolio contains finished works that have been revised, polished, edited and proofread several times.

Classroom Tests, Exams and Quizzes

Use of pre- and post- testing is one of the primary tools utilized for measurement of student outcomes. Classroom tests, exams and quizzes are used to determine the effectiveness of the implementation of curriculum by the staff. Using in-classroom testing enables Lifeline to determine by subject and grade the effectiveness of the curriculum. Performance based exams are authentic assessments whose intent is to measure what a child knows and can do or demonstrate. These exams and quizzes may be substituted by a benchmark assessment (as created/modified by the curriculum team).

Community Service

Student participation in the community service programs enables Lifeline Education Charter School to evaluate the effectiveness of both the Character Development program and Life Skills program. This tool for assessing outcomes provides Lifeline staff the method to gauge the effectiveness of programs designed to provide students with the individual and personal skills students require beyond their high school years. Along with participation in the Community Service program, the effect and the outcome of the community service project are used to measure the student's progress.

Observation/Evaluation

All instruction is designed with regular evaluation of student work. Assignments and examinations measure student performance in each course. Teachers perform systematic reviews of student work that include, but are not limited to, reviews of assignments, evaluation of progress and evaluations of work completed (quantity and quality).

Character Development Program

Student participation in Lifeline's Character Development program (Character Cures) is mandatory and is taught in all core classrooms. This program develops quality characteristics in the 6 core character traits of integrity, responsibility, respect, honesty, fairness and giving. Lifeline staff works as a team empowering students to adhere to Lifeline Education Charter School's 6 core values at school, home and in the community. The use of the character program will assist in defining positive character traits and will be used to evaluate the student's character improvements through written, group and hands on activities throughout the school year.

Staff Review of Data and Instruction

All instruction is designed with regular evaluation (diagnostic, formative, and summative) of student work. Assignments and examinations measure student performance in each course. Teachers perform systematic reviews of student work that include, but are not limited to, reviews of assignments, evaluation of progress and evaluations of work completed (quantity and quality).

To improve instruction in all areas, faculty and administrative staff meet regularly to review assessment outcomes and to develop responsive strategies. Staff also use outcomes from curriculum-based assessments (benchmark assessments sometimes called Cumulative Formative Assessments ("CFAs")), which help to identify students who have not mastered a skill or those with low skill levels. These assessments may be used as one indicator of students who are identified for consideration of special education referrals (however students are to remain in the least restrictive environment, therefore CFAs or Benchmark assessments are not designed to be the sole identification tool or criteria for identifying a student for special services) and/or learning enrichment-such as tutoring or homework assistance. Criterion Referenced Test and state test results—like the CST and the CAHSEE may be used to identify areas that pose challenges for students, and the instruction is accommodated accordingly. Where there is ample evidence of a demonstrated need to adjust the curriculum, modifications are taken into consideration through a committee process examining the nature of the standard in question, and the ways achieving it has been approached. In the case of the CAHSEE, students are given a class period and time before and after school for a CASHEE intervention class.

Lifeline Education Charter School is committed to showing evidence that students are making progress towards meeting:

1) Statewide performance standards
2) Specific student goals as established by the individual student learning plan.

Collecting and Reporting

Lifeline's plan for collecting, analyzing, and reporting data on pupil achievement to staff, parents/guardians, and to improve the school program includes:

- complying with State mandated testing (e.g. CST, CAHSEE, CELDT, CST), monitoring progress through supplemental assessments.
- regular committee team meetings (e.g. curriculum and instructional team)
- requirements for the utilization of data (e.g. CST and CAHSEE) to improve instruction and learning readiness.
- Have a state approved digital program to track student performance data in order to compare year to year the success of grade levels.
- Have a state approved digital program for student attendance that complies with the state monitoring CSIS numbers and CSIS system.

In particular, in addition to yearly summative assessments (e.g. CFA's, CAHSEE, CELDT, CST), school wide benchmark assessments (CFAs) based on sample release test data, teacher made questions and other measures of student performance will be implemented. The aim of this additional assessment is to inform the instructional process in a way that speaks to the dynamic dimensions of learning and growth. It will also give feedback to the staff as to the effectiveness of their instructional practices.

In addition to standardized reporting of student progress in the form of 4 and 5 week report cards, a continuous reporting system will be developed and implemented. The aim of this program is to inform and address parents/guardians and educators in a way that speaks to the need for timeliness in education.

Dissemination of Information

Dissemination of information will occur through the development of a daily, weekly, and monthly information compilation system. The aim of this endeavor is to help focus the educational efforts of the learning community. An example of a daily information release is a daily academic and behavioral monitoring report that describes the class by class progress of the student in question.

An example of a weekly report could be an attendance report that identifies those students arriving late or missing school on a regular basis. The aim of the weekly report is to identify and address trends as they begin to emerge as a matter of being proactive. An example of a monthly report is the weighted grading and classroom reports of teachers using a computerized reporting program Jupiter Grades.

Lifeline uses *Jupiter Grades* an online based system that is updated by all teachers weekly. This software helps the staff, administrators and the executive director compile the data such as student rank, portfolios, observation/ evaluation. Within this program the staff is able to systematically view student achievement in areas other than grades and testing. This gives Lifeline an overall view of student progress individually and as a group. Additionally, since this is an online based system being regularly updated by all teachers, parents have "real-time" access to their child's performance in each class that they are currently enrolled in.

This program allows Lifeline to view and identify at any time period of the school year; individual students, or classrooms which are not meeting benchmarks. This affords Lifeline the opportunity to correct a potential problem area before it becomes an actual problem. It assists in identifying students who are falling behind before the grading period ends, allowing the teachers to provide individualized attention or tutoring to a student to correct the problem. This program also affords administrators to

determine classrooms as a whole who are not meeting benchmarks, providing individual teacher training in specific areas needed.

Lifeline aims to develop a set of indexes that reasonably describe a comprehensive measurement of pupil progress. Utilizing the goals set forth in the school charter, State AYP and API targets, Lifeline seeks to remain NCLB compliant and highly qualified in providing educational services appropriate to the target school population. Lifeline has adopted State Content Standards as the school wide standards. The aim here is to coalesce the diverse learning scaffolds and frameworks into a set of principles that guide and focus the Charter School.

ELEMENT IV – GOVERNANCE STRUCTURE OF THE SCHOOL

Governing Law: The governance structure of the school, including, but not limited to, the process to be followed to ensure parental involvement. Education Code Section 47605(b)(5)(D).

Lifeline Education Charter School is established and operated as a non-profit corporation. The non-profit corporation, in accordance with California Law and the Charter School Act, is governed by a designated Board of Directors and Corporate Officers.

The Charter School will operate autonomously from the authorizer, with the exception of the supervisory oversight as required by statute and other contracted services as negotiated between the authorizer and the Charter School. Pursuant to California Education Code Section 47604(c), the authorizer shall not be liable for the debts and obligations of the Charter School, operated by a California non-profit benefit corporation or for claims arising from the performance of acts, errors, or omissions by the Charter School as long as the authorizer has complied with all oversight responsibilities required by law.

Lifeline Education Charter School has a two-tier level of governance; designed to promote maximum participation by all stakeholders, especially parents. This governance structure at the Board of Directors and Site Advisory Council level follows the Brown Act (Government Code Section 54950 *et seq.*), the Public Records Act (Government Code Section 6250 *et seq.*) and the Conflict of Interest Statutes (Government Code Section 1090). The Board of Lifeline Education Charter School is tasked with ensuring this compliance.

The Lifeline Board of Directors have a legal fiduciary responsibility for the well being of the Charter School. The Board of Directors is the ultimate governing body and is responsible for the governance of Lifeline Education Charter School. The Board of Directors is responsible for strategic planning and policy decisions.

The Board of Directors created and adopted the Articles of Incorporation, Bylaws and Conflict of Interest Code **(See Appendix E)** for Lifeline Education Charter School which clearly defines the roles and responsibilities of the Board of Directors and the Site Advisory Council, as well as the complete governance structure. The Board of Directors has also adopted a Conflict of Interest Policy. **(See Appendix F)**

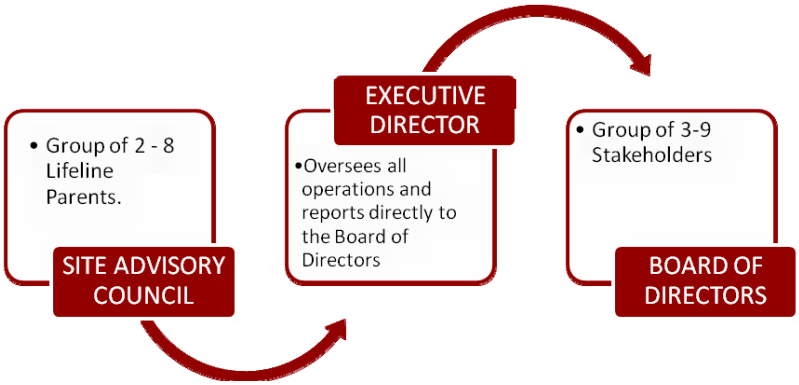


Figure 1 Governance Stucture - Lifeline Education Charter School

The Executive Director and the Site Advisory Council make recommendations to the Board of Directors which has the final authority for all matters dealing with administration of Lifeline Education Charter School.

Decision Making

The decision-making processes at the Charter School is decentralized in accordance with the provisions of this charter and detailed below.

- Board of Directors serve as the primary governance body of the Charter School. The Board of Directors will consistent of at least 3 and no more than 9 voting members. It will include at a minimum, a representative of the public, a representative of the chartering authority at its discretion, and a parent. The Board will comply with the Brown Act and organize the school as a not-for-profit public benefit corporation. The corporation will operate in accordance with its approved by-laws.
- Site Advisory Council is designed to represent primary stakeholders, especially parents, in the Charter School. It is the primary advisory group to the Board and the Executive Director and is tasked to make recommendations. As required, this group considers and discusses the potential detriment or benefit of its recommendations for the whole school as well as for each of their constituents. The Board of Directors and/or the Executive Director will provide specific direction to this group as required. There are ten to fifteen members of the Charter Advisory Council as defined in the by-laws. This group is like a site council in a traditional school.

Site Advisory Council

The Chair of the Site Advisory Council shall be the Executive Director. The Executive Director will report directly to the President of the Board of Directors. The Site Advisory Council will elect its members from the pool of volunteers by a simple majority vote. The Site Advisory Council consists of 2-8 parents. After

one year of service, a representative may be re-elected to serve additional years without limit. The Executive Director serves as a permanent member and chair.

The Site Advisory Council is responsible for making collaborative recommendations to the Board of Directors in relation to the Charter School's governance, including, but not necessarily limited to:

- Policies and procedures for operations
- Fiscal Management and accountability
- Educational program / instructional strategies
- Recommendations for new school policies and procedures
- Fundraising Recommendations and Implementation
- Event Recommendation and Implementation
- Promoting parent participation and volunteerism

Final authority for all matters dealing with the administration or operation of Lifeline Education Charter School shall reside with Lifeline Education Charter School Board of Directors. The Site Advisory Council meets on a regularly scheduled basis. The Executive Director or a designee will schedule and conduct these meetings. The Executive Director or designee will appoint a secretary who is responsible for insuring the recording of minutes and making such minutes a part of the public record.

Process to Ensure Parental Involvement

Parents participate in the governance of Lifeline Education Charter School through representation on the Site Advisory Council. The parent's role at Lifeline Education Charter School is very important. We believe the more involved the parent is in their child's educational process the child's chance of academic success increases. All Lifeline parents are asked to volunteer a minimum of 5 hours per school year at the school. Parent and teacher meetings throughout the year provide a platform to consult with the parents and teachers regarding Lifeline's educational program.

Board of Directors

The Board of Directors of Lifeline Education Charter School serves as the primary governance of the Charter School. The Board of Directors includes a diverse group of individuals who serve to govern the Charter School and ensure its success both educationally and financially.

The Board of Directors will conduct monthly Board Meetings adhering to guidelines within the Brown Act, including public notices. The Board of Directors will consist of a group of individuals with diverse experience including organization, community building skills and expertise, curriculum, instruction, assessment, and school finance.

Subject to the provisions and limitations of the California Nonprofit Public benefit corporation law and any other applicable laws, the corporation's activities and affairs shall be managed, and all corporate power shall be exercised, by or under the direction of the Board. The Board of Directors are responsible for the operation and fiscal affairs of the school.

- Hire, supervise, evaluate, discipline, and dismissal of the Executive Director of the Charter School;
- Hire, promote, discipline and dismiss all employees of the Charter School after consideration of a recommendation by the Executive Director;

- Approve all contractual agreements;
- Approve and monitor the implementation of general policies of the Charter School. This includes effective human resource policies for career growth and compensation of the staff;
- Approve and monitor the Charter School's annual budget and budget revisions;
- Act as a fiscal agent. This includes but is not limited to the receipt of funds for the operation of the Charter School in accordance with applicable laws and the receipt of grants and donations consistent with the mission of the Charter School;
- Contract with an external independent auditor to produce an annual financial audit according to generally accepted accounting practices;
- Establish operational committees as needed;
- Regularly measure progress of both student and staff performance;
- Involve parents and the community in school related programs;
- Execute all applicable responsibilities provided for in the California Corporations Code;
- Engage in ongoing strategic planning;
- Approve the school calendar and schedule of Board meetings;
- Review requests for out of state or overnight field trips;
- Participate in the dispute resolution procedure and complaint procedures when necessary;
- Approve charter amendments as necessary and submit requests for material revisions as necessary to the District for consideration;
- Approve annual independent fiscal audit and performance report;
- Appoint an administrative panel or act as a hearing body and take action on recommended student expulsions.

The Board may execute any powers delegated by law to it and shall discharge any duty imposed by law upon it and may delegate to an employee of the Charter School any of those duties with the exception of budget approval or revision, approval of the fiscal audit and performance report, and the adoption of Board policies. The Board however, retains ultimate responsibility over the performance of those powers or duties so delegated. Such delegation will:

- Be in writing;
- Specify the entity designated;
- Describe in specific terms the authority of the Board of Directors being delegated, any conditions on the delegated authority or its exercise and the beginning and ending dates of the delegation; and
- Require an affirmative vote of a majority of Board members.

The Board may initiate and carry on any program or activity or may otherwise act in a manner which is not in conflict with or inconsistent with or preempted by any law and which are not in conflict with the purposes for which schools are established.

MAKE-UP OF BOARD AND BOARD QUALIFICATIONS

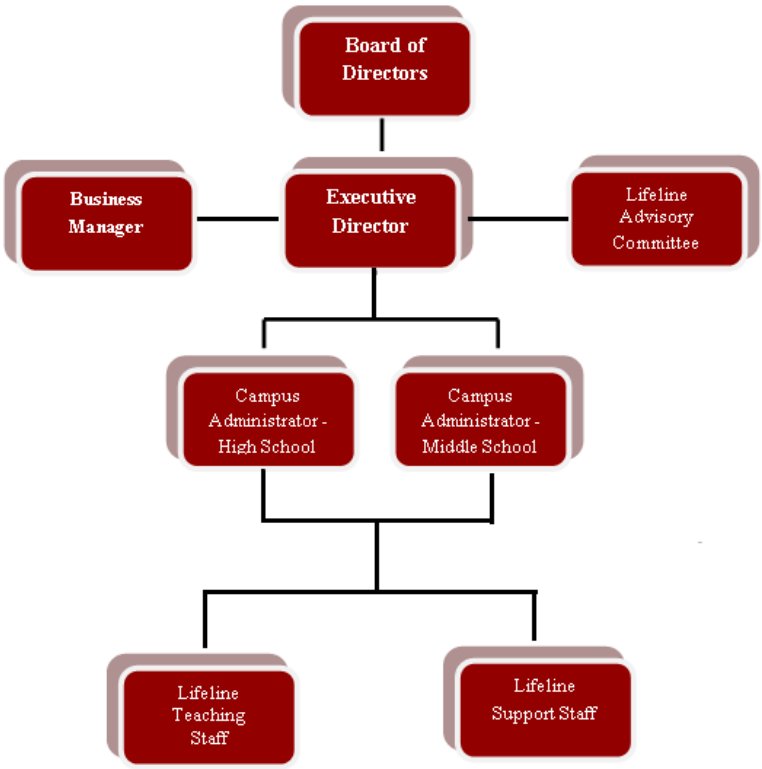
The Board of Directors will consist of a minimum of three and no more than nine members. The board members must be qualified to carry out the purpose and activities of the corporation. To this end, the board membership shall include at all times a parent, a representative of the community and a representative from the chartering authority (at the authorizer's discretion) in accordance with Education Code Section 47604(b). The remaining board members nominated to serve will be nominated based on their commitment to the mission and vision of the school, their willingness to participate in ongoing

orientation and training in areas including, but not limited to, leadership effectiveness, cultural competency, fund-raising, conflict resolution, community outreach, the Ralph M. Brown Act, and board governance. The board members will be comprised of individuals with backgrounds in the areas of education, business, charter school operation and community activism. The board members shall be recruited from the civic community, and the business and educational communities surrounding the school.

BOARD TRAINING

The Board of Directors will receive training approximately once a year in areas including:

- The Brown Act - This discussion will involve how meetings conducted by local legislative bodies such as schools boards should be run and how to balance public access to meetings with the need for confidentiality and candor among board members.
- Policy & Procedures/Responsibilities of Board members - This session will involve a discussion of what the responsibilities of board members are and the importance of developing and updating the organizations Policy & Procedures manual on an annual basis.
- Managing conflict - This session will involve an in-depth analysis of how board members handle conflict individually and collectively
- Team Building - This discussion will focus on how a person can become more culturally competent and the techniques for becoming culturally competent.
- Individual Cultural Competence Pt .1 - This discussion will focus on how an organization can become more culturally competent and the techniques for becoming culturally competent.
- Organizational Cultural Competence Pt. 2 - This discussion will focus on how an organization can become more culturally competent and the techniques for becoming culturally competent.
- Organizational Change - During this discussion we will explore Kotter's 8 stage change model and discuss the how the board reacts to change.
- Review of Sexual and Other Prohibited Harassment Policy - This discussion will be geared toward making sure that the board understands the schools sexual harassment policy.
- The Power of Ethical Management - We will review during this session the definition of Ethics and explore the challenges every board member faces.
- How to be an effective Board member – The discussion will address how board members can be more effective and how the talents they bring to the board can be maximized.
- Review and discussion of Federal Civil Rights law and legislation - During this session various Civil Rights laws will be discussed and scrutinized.
- Leadership – Various leadership theories will be discussed and examined in the context of education.



EXECUTIVE AND ADMINISTRATION RESPONSIBILITES

Executive Director

General Description: Administer the Charter School in all of its aspects of its day to day operations, work cohesively with the Charter School Board of Director, the School District, students, parents, and community members and the other governing bodies specified by local and state law. Direct, and manage instructional program and supervise operations and Administrative personnel at campus level. Provide leadership to ensure high standards of instructional service. Oversee compliance with Charter School policies, authorizer policies, success of instructional programs, and operation of all campus activities. Strengthen, build and develop all programs offered.

- Instructional Management
  - Regularly consult the Site Advisory Council about planning, operation, supervision, and evaluation of the education program. Include students and community representatives when appropriate.

  - Monitor instructional and managerial processes to ensure that program activities are related to program outcomes and use ongoing assessment to identify problems and take corrective actions.
  - Regularly consult the Campus Administrators about planning, operation, supervision, and evaluation of program activities.
- Community Relations
  - Articulate the Charter School's mission to the community and solicit its support in realizing the mission.
  - Demonstrate awareness of community needs and initiate activities to meet those needs.
  - Use appropriate and effective techniques to encourage community involvement.
  - Attend and participate in coalitions for the Compton Area.
  - Liaison to CUSD and LACOE, as necessary, and the CDE.
- School Morale
  - Foster collegiality and team building among staff members. Encourage their active involvement in decision-making process.
  - Provide for two-way communication with Campus Administrators, staff, students, parents, and community.
  - Communicate and promote expectations for high-level performance to staff and students. Recognize excellence and achievement.
  - Anticipate and identify conflicts to ensure effective and quick resolution.
  - Provide instructional resources and materials to support staff in accomplishing goals.
- School Improvement
  - Build common vision for school improvement with Camps Administrators and Staff. Direct planning activities and put programs in place with staff to ensure attainment of school's mission.
  - Identify, analyze, and apply research findings (e.g., effective school correlates) to promote school improvement.
  - Develop, maintain, and use information systems and records necessary to show campus progress on performance objectives addressing each Academic Excellence Indicator.
- Partnerships/Collaborations/Capacity Building
  - Develop partnerships and collaborations with other Charter Schools whose goals or missions parallel or intersect with Lifeline mission.

  - Partner with non-profit organizations to provide services which are an integral part of Lifeline's mission and vision affording Lifeline to offer alternate programs.
  - Provide a written and signed MOU with all partnering organizations clearly defining the goals and objectives.
  - Promote current programs and future programs on-site in current communities. Build relationships and trust within the community increasing the numbers served.
  - Build capacity by increasing numbers served.
  - Develop a volunteer program to assist with the mission and vision of the organization.
  - Obtain membership in organizations which can assist in growing and developing the organization; attend all meetings and actively participate in the organization
- Personnel Management
  - Interview, orient, and recommend new staff to the Board of Directors. Discuss performance of all personnel to the Board of Directors.
  - Define expectations for staff performance with regard to instructional strategies, classroom management, and communication with the public.
  - Observe employee performance, record observations, and conduct evaluation conferences with staff.
  - Work with campus-level planning and decision-making committees to plan professional development activities.
  - Confer with subordinates regarding their professional growth. Work with them to develop and accomplish improvement goals.
  - Ensure all core, college prep teachers has a valid California Teaching Credential that is required in the area of academic assignment
- Management of Fiscal, Administrative, and Facilities Functions
  - Comply with Charter School policies and fiscal controls and state and federal laws and regulations affecting the Charter School.
  - Manage use of school facilities and coordinate space assignments. Supervise maintenance of facilities to ensure a clean, orderly, and safe campus.
- Student Management
  - Ensure that school rules are uniformly observed and that student discipline is appropriate and equitable in accordance with Student Code of Conduct and student handbook.

  - Conduct conferences about student and school issues with parents, students, and teachers if needed.
  - Coordinates department programs, seminars, workshops, travel arrangements, special projects, and/or events; may coordinate program/project development and planning.
- Personal Growth and Development
  - Demonstrate professional, ethical, and responsible behavior. Serve as a role model for all campus staff.
  - Obtain professional development through on-going training.
- School or Community Relations
  - Articulate the Charter School's mission to the community and solicit its support in realizing the mission.
  - Demonstrate awareness of school and community needs and initiate activities to meet those needs.
  - Use appropriate and effective techniques to encourage community and parent involvement.
- Supervisory Responsibilities
  - Supervise and evaluate the performance of staff assigned to campus including administrators, teachers, instructional aides, and clerical support staff.

Campus Administrator

There are two campus administrators; one for the high school and the other for the middle school campus. The duties described below are the same for both administrators and differ only in that they apply to the campus that they serve.

General Description: Direct, and manage instructional program and supervise operations and personnel at campus level. Provide leadership to ensure high standards of instructional service. Oversee compliance with district policies, success of instructional programs, and operation of all campus activities.

- Instructional Management
  - Regularly consult the campus-level committee about planning, operation, supervision, and evaluation of campus education program. Include students and community representatives when appropriate.
  - Provide a weekly report by 8:00am Monday morning for the previous week to the supervisor.
  - Work with the Executive Director and Coordinator of Security.
- School or Organization Morale
  - Foster collegiality and team building among staff members. Encourage their active involvement in decision-making process.

  - Provide for two-way communication with Executive Director, staff, students, parents, and community.
  - Communicate and promote expectations for high-level performance to staff and students. Recognize excellence and achievement.
  - Anticipate and identify conflicts to ensure effective and quick resolution.
- School or Organization Improvement
  - Build common vision for school improvement with Executive Director and Staff. Direct planning activities and put programs in place with staff to ensure attainment of school's mission.
  - Identify, analyze, and apply research findings (e.g., effective school correlates) to promote school improvement.
  - Develop and set annual campus performance objectives for each of the Academic Performance Indicators using the campus planning process.
  - Develop, maintain, and use information systems and records necessary to show campus progress on performance objectives addressing each Academic Excellence Indicator.
- Personnel Management
  - Along with Executive Director, interview, select, and orient new staff. Along with the Executive Director, discuss performance of all personnel assigned to campus.
  - With Executive Director, define expectations for staff performance with regard to instructional strategies, classroom management, and communication with the public.
  - Observe employee performance, record observations, and conduct evaluation conferences with staff.
  - Assign and promote campus personnel.
  - Make recommendations to Executive Director on termination, suspension, or non-renewal of employees assigned to campus.
  - Work with campus-level planning and decision-making committees to plan professional development activities.
  - Confer with subordinates regarding their professional growth. Work with them to develop and accomplish improvement goals.
  - Ensure all staff has a valid California Teaching Credential that is required in the area of academic assignment

  - Ensure staff are clocking in appropriately. Keep track of all staff tardiness.
  - Handle all employee sick calls and find appropriate replacement for class.
- Management of Fiscal, Administrative, and Facilities Functions
  - Comply with district policies and state and federal laws and regulations affecting the schools.
  - Manage use of school facilities and coordinate space assignments. Supervise maintenance of facilities to ensure a clean, orderly, and safe campus.
- Student Management
  - Ensure that school rules are uniformly observed and that student discipline is appropriate and equitable in accordance with Student Code of Conduct and student handbook.
  - Conduct conferences about student and school issues with parents, students, and teachers.
  - Coordinates department programs, seminars, workshops, travel arrangements, special projects, and/or events; may coordinate program/project development and planning.
- Personal Growth and Development
  - Demonstrate professional, ethical, and responsible behavior. Serve as a role model for all campus staff.
- School or Community Relations
  - Articulate the school's mission to the community and solicit its support in realizing the mission.
  - Demonstrate awareness of school and community needs and initiate activities to meet those needs.
  - Use appropriate and effective techniques to encourage community and parent involvement.
  - Adhere to the Lifeline Code of Conduct at all times.
- Supervisory Responsibilities
  - Supervise and evaluate the performance of staff assigned to campus including, teachers, instructional aides, and clerical support staff.

Instructional/Student Services Staff			
Title	**Qualifications**	**Skills/Knowledge**	**Experience**

ELEMENT V – HUMAN RESOURCES

Qualifications of School Employees

Governing Law: The qualifications to be met by individuals to be employed by the school. Education Code Section 47605(b)(5)(E).

Lifeline Education Charter School staff will show a high level of commitment to all areas of instruction and school management as demonstrated by, but not limited to, the participation in and development of school programs, workshop attendance and participation in quality improvement teams, as they are established.

All core, college prep teachers will meet the No Child Left Behind qualifications of being "highly qualified" professionals. A highly qualified teacher must:

1. have a bachelor's degree;
2. hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold;
3. be able to demonstrate subject-matter competence.
4. Teachers must demonstrate competency for each subject and grade span they teach.

Key Personnel who will supervise the day to day operations of Lifeline Education Charter School and their functions are outlined in the following table. Qualifications, special skills/knowledge and experience for all key employment positions at Lifeline Educational School are also outlined in the table. All requirements for employment set forth in statute will be met.

Teacher	1. Hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. Or be in an internship program that leads to completion of an organized teacher-preparation program; 2. NCLB Compliance 3. Bachelor or Masters Degree 4. Successfully passed all required DOJ/FBI and LiveScan checks 5. Tuberculosis and other medical exams	• Ability to work well with children. • Ability to communicate effectively. • Ability to help students achieve extraordinary academic results. • Ability to inspire confidence and trust in parents and colleagues. • Expert knowledge of child cognitive development and different learning styles, California State Standards, subject-specific frameworks and assessments. • Ability to work in a team environment. • Ability to be flexible, resourceful, imaginative and proficient in computer based learning opportunities • Understanding of and be proficient in facilitating learning with students of all ages and diverse learning styles • Ability to design, tailor and manage individual learning plans	• Minimum 2-5 years experience in a classroom setting • Under 2 years experience will be considered only with a teaching mentor assigned. • At-risk classroom experience a plus
Instructional Aide (Aides who act primarily as translators, or who do not assist in instruction, do not need to meet these requirements.)	1. Two years of college (48 semester units); 2. A.A. degree or higher; or 3. Passing score on a local or state test which assesses knowledge of and ability to assist in, instructing reading, writing, and mathematics.	• Ability to work well with children. • Ability to communicate effectively. • Ability to help students achieve extraordinary academic results. • Ability to inspire confidence and trust in parents and colleagues. • Knowledge of child cognitive development and different learning styles • Ability to work in a team environment. • Ability to be flexible, resourceful, imaginative and proficient in computer based learning opportunities • Understanding of and be proficient in facilitating learning with students of all ages and diverse learning styles	• Minimum 1-2 years experience in a classroom setting • At-risk classroom experience a plus

Key Staff qualifications, special skills/knowledge and experience:

Title	Qualifications	Skills/Knowledge	Experience

Para-professional	1. High school diploma 2. Preferably some college course work	• Ability to work well with children. • Ability to communicate effectively. • Ability to help students achieve extraordinary academic results. • Ability to work in a team environment. • Ability to be flexible, resourceful, and imaginative.	• Experience working with children
ELD Coordinator	1. Hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. Or be in an internship program that leads to completion of an organized teacher-preparation program. 2. NCLB Compliance 3. Bachelor or Masters Degree 4. Successfully passed all required DOJ/FBI and LiveScan checks 5. Successfully passed all support requirements related to obtaining a clear teaching credential, e.g., tuberculosis and other medical exams	• Ability to work well with children. • Ability to communicate effectively. • Ability to help students achieve extraordinary academic results. • Ability to inspire confidence and trust in parents and colleagues. • Expert knowledge of child cognitive development and different learning styles, California State Standards, subject-specific frameworks and assessments. • Ability to work in a team environment. • General knowledge of curriculum and instruction. • Commitment to education least restrictive normalized settings. • Ability to function as a member of an educational team, collaborate with general education staff, support personnel, community agencies, and parents. • Strong behavior management and positive discipline skills. • Ability to be flexible and receptive to change.	• Minimum 2-5 years experience in a classroom setting • Under 2 years experience will be considered only with a teaching mentor assigned. • At-risk classroom experience a plus. • 1-2 years experience in an ELD program.

Title	Qualifications	Skills/Knowledge	Experience
Special Ed Administrator	1. Hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. Or be in an internship program that leads to completion of an organized teacher-preparation program. 2. NCLB Compliance 3. Bachelor or Masters Degree 4. Successfully passed all required DOJ/FBI and LiveScan checks 5. Tuberculosis and other medical exams 6. Valid California teaching certificate with required special education endorsements for assignments or emergency permit actively working towards full credential.	• Knowledge of special needs of students in assigned area. • Knowledge of Committee process and Individual Education Plan (IEP) goal setting process and implementation. • General knowledge of curriculum and instruction. • Commitment to education least restrictive normalized settings. • Ability to diagnose learning disorders, prescribe remediation and evaluate student progress. • Ability to function as a member of an educational team, collaborate with general education staff, support personnel, community agencies, and parents. • Strong behavior management and positive discipline skills. • Ability to be flexible and receptive to change.	• Minimum 2-5 years experience in a classroom setting • 2 years experience in special education • At-risk classroom experience a plus.
Special Ed Aide	1. Two years of college (48 semester units); 2. A.A. degree or higher; or 3. Passing score on a local or state test which assesses knowledge of and ability to assist in, instructing reading, writing, and mathematics. 4. Prefer California educational aide certificate	• Ability to work with children with disabilities • Ability to follow verbal and written instructions • Ability to communicate effectively • Knowledge of general office equipment • Ability to communicate effectively. • Ability to work in a team environment. • Ability to be flexible, resourceful, and imaginative.	• Minimum 2 years experience in a special education classroom setting • At-risk classroom experience a plus.

Administrative Staff			
Title	**Qualifications**	**Skills/Knowledge**	**Experience**
Campus Administrator - *High School and Middle School*	1. Hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in a non-charter public school would be required to hold. Or be in an internship program that leads to completion of an organized teacher-preparation program. 2. Bachelor or Masters Degree 3. Successfully passed all required DOJ/FBI and LiveScan check 4. Tuberculosis and other medical exams 5. Administrators Credential or working towards Credential	• Working knowledge of curriculum and instruction • Ability to evaluate instructional program and teaching effectiveness • Ability to interpret policy, procedures, and data • Strong organizational, communication, public relations, and interpersonal skills • Ability to lead a team • Ability to develop a strong, productive team • Ability to collaborate with general education staff, support personnel, community agencies, and parents.	• Three years experience as a classroom teacher or equivalent years experience in an instructional leadership role.

Title	Qualifications	Skills/Knowledge	Experience
Administrative Manager	1. High school diploma or GED 2. Preferred: Bachelor Degree or some college course work in business management.	• Communicate effectively, clearly, and concisely, both orally and in writing. • Interpersonal skills using tact, patience, and courtesy. • Able to perform complex, specialized tasks requiring accuracy. • Able to establish and maintain cooperative and effective working relationships with others. • Meet schedules and deadlines. • Proficient computing skills • Effective organization, communication, and interpersonal skills • Ability to follow written instructions • Ability to read, analyze, and arrange financial ledgers and accounting sheets/software • Provide information and assistance to parents, the general public and other staff members in a helpful, courteous and timely manner.	• Five years clerical experience in office setting • Five years accounting experience • Two years Human Resources • Two years management experience
Executive Director	1. BA in Business Management and/or 2. Some college course work (Business Management preferred) and equivalent experience	• Working knowledge of curriculum and instruction • Ability to evaluate instructional program and teaching effectiveness • Ability to manage budget and personnel • Ability to coordinate campus functions • Ability to interpret policy, procedures, and data • Strong organizational, communication, public relations, and interpersonal skills • Ability to foster team morale • Strong personnel management skills • Ability to provide fair and consistent leadership	• 5 years experience in a class room setting • Or equivalent experience in an instructional leadership role • Or 5 years experience in a supervisory and/or leadership role • Or 5 years experience combined from each of the above

Title	Qualifications	Skills/Knowledge	Experience
Administrator Student Services	1. High school diploma or GED 2. Some college course work preferred	• Knowledge of school requirements for graduation. • Communicate clearly and concisely, both orally and in writing. • Interpersonal skills using tact, patience, and courtesy. • Able to perform complex, specialized clerical tasks requiring accuracy. • Able to establish and maintain cooperative and effective working relationships with others. • Meet schedules and deadlines. • Proficient computing skills • Effective organization, communication, and interpersonal skills • Ability to follow written instructions • Provide information and assistance to parents, the general public and other staff members in a helpful, courteous and timely manner.	• Minimum two years of attendance data management • Minimum two years of academic advising/counseling • Minimum one year as an administrative assistant
Registrar	1. High school diploma or GED 2. Some college course work preferred	• Knowledge of school requirements for graduation. • Knowledge of state regulations related to dropping, enrolling and transferring students. • Communicate clearly and concisely, both orally and in writing. • Interpersonal skills using tact, patience, and courtesy. • Able to perform complex, specialized clerical tasks requiring accuracy. • Able to establish and maintain cooperative and effective working relationships with others. • Meet schedules and deadlines. • Proficient keyboarding skills • Effective organization, communication, and interpersonal skills • Ability to follow written instructions • Provide information and assistance to parents, the general public and other staff members in a helpful, courteous and timely manner.	• One-year clerical experience in office setting

Title	Qualifications	Skills/Knowledge	Experience
Office Assistant	1. High school diploma or GED 2. Some college course work preferred	• Communicate clearly and concisely, both orally and in writing. • Interpersonal skills using tact, patience, and courtesy. • Able to perform complex, specialized clerical tasks requiring accuracy. • Able to establish and maintain cooperative and effective working relationships with others. • Meet schedules and deadlines. • Proficient keyboarding skills • Effective organization, communication, and interpersonal skills • Ability to follow written instructions Provide information and assistance to parents, the general public and other staff members in a helpful, courteous and timely manner	• One-year clerical experience in office setting
Security	1. High school diploma or GED 2. Some college course work preferred	• Ability to record information • Ability to follow verbal and written instructions • Ability to work effectively with all students • Ability to communicate effectively (verbally)	• Prefer one year experience as a security guard

Evaluations – teaching staff are evaluated annually

Furthermore, all core, college prep teachers must:

- must meet the NCLB requirements
- have successfully passed all required DOJ/FBI and LiveScan checks
- have successfully passed all support requirements related to obtaining a teaching credential, e.g., tuberculosis and other medical exams.
- demonstrate the ability to be flexible, resourceful, imaginative and proficient in computer based learning opportunities
- demonstrate an understanding of and be proficient in facilitating learning with students of all ages and diverse learning styles
- demonstrate the ability to work as a team
- demonstrate the ability to design, tailor and manage individual learning plans

All employees receive "at will" agreements that are reviewed annually.

Teachers are required to participate in continuous improvement/professional development program offered annually by the school. Participation in professional development activities is a prerequisite for continued employment.

The Board of Directors' of Lifeline Education Charter School has developed a comprehensive school wide policy and procedures manual which is part of the Employee Handbook. (See Appendix C).

Public School Employer

Governing Law: A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code). Education Code Section 47605(b)(5)(O).

The Charter School shall be deemed the exclusive public school employer of the employees of the Charter School for the purposes of the Educational Employment Relations Act ("EERA"). The Charter School shall comply with the EERA.

Employee Return Rights

Governing Law: A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school. Education Code Section 47605(b)(5)(M).

No person may be required to be employed at the Charter School. Persons employed by Lifeline Education Charter School are not considered employees of the authorizer for any purpose whatsoever. Employees who resign from employment to work at Lifeline Education Charter School and who later wish to return to either a district, county or the state shall be treated the same as any other former district, county or state employee seeking reemployment.

A former local education agency employee of the Charter School shall have the following rights:

(A) Any rights upon leaving the employment of a local education agency to work in the Charter School that the local education agency may specify.

(B) Any rights of return to employment in a local education agency after employment in the Charter School as the local education agency may specify.

(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the local education agency determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the Charter School or to which the employee returns from the Charter School.

All employees of the Charter School will be considered the exclusive employees of the Charter School and not of the authorizer, unless otherwise mutually agreed in writing. Sick or vacation leave or years of service credit at the authorizer or any local education agency will not be transferred to the Charter School.

Employment by the Charter School provides no rights of employment at any other entity, including any rights in the case of closure of the Charter School.

Retirement Systems

Governing Law: The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security. Education Code Section 47605(b)(5)(K).

The Charter School is a participant in the California State Teachers' Retirement System (CalSTRS) and the California Public Employees' Retirement System (CalPERS); therefore, employee membership in these programs is mandatory for those who qualify.

The Administrative Manager will ensure that appropriate arrangements for the coverage have been made. All Certificated employees will be enrolled in STRS. All Classified employees will be enrolled in PERS.

Los Angeles County Office of Education has been contracted by Lifeline Education Charter School to provide HRS (Human Resource Services). These services include all payroll and retirement plan functions, as well as making all employer contributions to STRS and PERS as required, and contributions for workers compensation insurance, unemployment insurance and any other payroll obligations.

The Board of Directors retains the option to add additional retirement incentive such as a 403B plan in the future. Participation in STRS or PERS requires all Charter School employees to participate. No retirement benefits are available to contractors.

Health and Safety Procedures

Governing Law: The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Section 44237. Education Code Section 47605(b)(5)(F).

In order to provide safety for all students and staff, the Charter School has adopted and implemented full health and safety procedures and risk management policies at its school site in consultation with its insurance carriers and risk management experts. A copy of these procedures is attached as Appendix J.

The following is a summary of the health and safety policies of the Charter School:

Procedures for Background Checks

Employees and contractors of the Charter School will be required to submit to a criminal background check and to furnish a criminal record summary as required by Education Code Sections 44237 and 45125.1. New employees not possessing a valid California Teaching Credential must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record

summary. The Executive Director of the Charter School shall monitor compliance with this policy and report to the Charter School Board of Directors on a quarterly basis. The Board President shall monitor the fingerprinting and background clearance of the Executive Director. Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and receive background clearance prior to volunteering without the direct supervision of a credentialed employee.

Role of Staff as Mandated Child Abuse Reporters

All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by school districts.

TB Testing

Faculty and staff will be tested for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

Immunizations

All students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Sections 120325-120375, and Title 17, California Code of Regulations Sections 6000-6075. Beginning July 1, 2011, all rising and enrolled students in grades 7-12 must be immunized with a pertussis (whooping cough) vaccine booster. Beginning July 1, 2012, this requirement applies only to rising 7th graders.

Medication in School

The Charter School will adhere to Education Code Section 49423 regarding administration of medication in school.

Vision, Hearing, and Scoliosis

Students will be screened for vision, hearing and scoliosis. The Charter School will adhere to Education Code Section 49450, *et seq.*, as applicable to the grade levels served by the Charter School.

Diabetes

The Charter School will provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming 7th grade students, pursuant to Education Code Section 49452.7. The information sheet shall include, but shall not be limited to, all of the following:

1. A description of type 2 diabetes.

2. A description of the risk factors and warning signs associated with type 2 diabetes.

3. A recommendation that students displaying or possibly suffering from risk factors or warning signs associated with type 2 diabetes should be screened for type 2 diabetes.

4. A description of treatments and prevention of methods of type 2 diabetes.

5. A description of the different types of diabetes screening tests available.

Emergency Preparedness

The Charter School shall adhere to an Emergency Preparedness Handbook drafted specifically to the needs of the school site in conjunction with law enforcement and the Fire Marshall. This handbook shall include, but not be limited to the following responses: fire, flood, earthquake, terrorist threats, and hostage situations. If assuming a facility that was previously used as a School site, any existing emergency preparedness plan for the school site shall be used as a starting basis for updating the handbook for the Charter School.

Blood borne Pathogens

The Charter School shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the work place. The Board shall establish a written infectious control plan designed to protect employees and students from possible infection due to contact with blood borne viruses, including human immunodeficiency virus ("HIV") and hepatitis B virus ("HBV").

Whenever exposed to blood or other bodily fluids through injury or accident, staff and students shall follow the latest medical protocol for disinfecting procedures.

Drug Free/Alcohol Free/Smoke Free Environment

The Charter School shall function as a drug, alcohol and tobacco free workplace.

Facility Safety

The Charter School shall comply with Education Code Section 47610 by either utilizing facilities that are compliant with the Field Act or facilities that are compliant with the California Building Standards Code. The Charter School agrees to test sprinkler systems, fire extinguishers, and fire alarms annually at its facilities to ensure that they are maintained in an operable condition at all times. The Charter School shall conduct fire drills as required under Education Code Section 32001.

Comprehensive Sexual Harassment Policies and Procedures

The Charter School is committed to providing a school that is free from sexual harassment, as well as any harassment based upon such factors as race, religion, creed, color, national origin, ancestry, age, medical condition, marital status, sexual orientation, or disability. The Charter School has developed a comprehensive policy to prevent and immediately remediate any concerns about sexual discrimination or harassment at the Charter School (including employee to employee, employee to student, and student to employee misconduct). Misconduct of this nature is very serious and will be addressed in accordance with the Charter School's sexual harassment policy.

ELEMENT VI – ADMISSIONS, ATTENDANCE AND SUSPENSION/EXPULSION

Admission Requirements

Governing Law: Admission requirements, if applicable. Education Code Section 47605(b)(5)(H).

Lifeline Education Charter School operates as a public tuition free school and complies with all laws establishing minimum and maximum age for public school attendance. No student is denied admission to the school based on the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics). Admission to the Charter School requires a commitment from both students, parents, guardians and/or other concerned adult who may be directly responsible for the child's development, i.e., counselors, social workers.

Applications from new students will be accepted from August 1 through November 15 for the fall semester and from January 1 through April 15 for the spring semester. If the number of eligible applicants does not exceed the number of vacancies, then all applicants who timely applied will be offered admission.

If the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. If there are more eligible applicants than available spaces in a class, then a public lottery will be conducted in early August. Notices will be posted on site and mailed home setting forth the time and place for the public random drawing. A name will be drawn for each vacancy per grade level that exists and each applicant whose name is drawn will be offered admission.

If there are names remaining after all vacancies have been filled, a waiting list will be developed. The remaining names will be drawn and placed on the waiting list in the order they were drawn. If a vacancy arises before the commencement of the school year or during the school year, the individual on the waiting list with the lowest number assignment will be offered admission and then removed from the waiting list.

Lifeline Education Charter School will exempt from the lottery, currently enrolled students, the siblings of currently enrolled students and the children of the school's founders and teachers (not to exceed more than 10% of total student enrollment). Preference shall be extended to pupils who reside in the Compton Unified School District at a ratio of 2:1, unless otherwise agreed to with the authorizer. If an application is received after the application period has passed, the applicant's name is added to the waiting list behind the names of the applicants who timely applied.

Racial and Ethnic Balance

Governing Law: The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the district to which the charter petition is submitted. Education Code Section 47605(b)(5)(G).

Lifeline Education Charter School accommodates pupils of all racial and ethnic backgrounds through an open enrollment policy. Any child, regardless of the characteristics listed in Education Code Section 220 (actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics) is eligible for admission. Lifeline Education Charter School will annually monitor the racial and ethnic balance among its students and will strive to achieve a racially and ethnically diverse student population which reflects the general population residing within Compton Unified School District.

Lifeline Education Charter School actively recruits students who reflect the diverse population of the state of California. The Charter School has developed and may distribute promotional and informational materials that appeals to and can be understood by the various racial and ethnic groups to ensure a balance among students that is reflective of the District's population as well as using a process which will reflect in a broad-based recruiting plan. Lifeline Education Charter School recruits from within the local and surrounding communities using resources such as: local community newspapers (English and Spanish); developing relationships with community leaders, pastors and local businesses; and participating in community gatherings, local fairs, and other social events.

Currently, our student population consists of approximately 34% African-American students, 64% Hispanic-Latino students, and 2% other.

Procedures by Which Pupils Can Be Suspended or Expelled

Governing Law: The procedures by which pupils can be suspended or expelled. Education Code Section 47605(b)(5)(J).

A student handbook, with Board approved policies and procedures, establishes clear guidelines for standards of conduct. This handbook describes due process procedures for special education students and students with disabilities. In addition, Lifeline will comply with all federal laws regarding student discipline for children with disabilities and will stay apprised of any developments in the IDEA legislation.

Discipline standards reflect the Charter School's dedication to the idea that parents/guardians and those adults working with a child at home or in special care situations share an equal responsibility with the student, for regulating student conduct. Clear expectations for student conduct have been established for all students.

The Board of Directors has established the policies for suspension and expulsion of its students. All students subject to suspension and/or expulsion are entitled to and will receive full due process. **(See Appendix B – Student/Parent Handbook)** Any individual student subject to expulsion will have the right to request the Board of Directors to provide final review of his/her case prior to expulsion. Detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed including

but not limited to, periodic review and as necessary modification of the lists of offenses for which students are subject to suspension or expulsion. This review will be conducted annually by the Board of Directors as well as the Charter School's attorney.

Parents and students are provided with a Student/Parent Handbook immediately upon enrollment. Each year students/parents are provided the most current Student/Parent Handbook on the first day of school. The Student/Parent Handbook is reviewed each year prior to the beginning of the school year by the Administrative Team and any modifications are made at this time.

Attendance

The School's academic calendar generally aligns with the Compton Unified School District's traditional academic calendar—commencing before September 30 in accordance with State charter school guidelines, and including but not limited to 179 instructional days. The number of instructional minutes for all grades shall meet or exceed the State's requirements in Education Code Section 47612.5.

Lifeline Education Charter School parents/guardians are responsible for sending their children to school and providing an explanation for absences. Lifeline Education Charter School has developed attendance policies to encourage regular attendance and for reporting of truancies to appropriate local authorities. Please see Appendix B – Student Handbook details the attendance policy.

Students who wish to transfer to another school may do so at any time. The Executive Director or designee will assist any student, wishing to transfer, to find and choose an appropriate public or private school alternative as needed.

Public School Attendance Alternatives

Governing Law: The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools. Education Code Section 47605(b)(5)(L)

No student may be required to attend the Charter School. Students who reside within the District who choose not to attend the Charter School may attend school within the District according to District policy or at another school district or school within the District through the District's intra and inter-district policies. Parents and guardians of each student enrolled in the Charter School will be informed on admissions forms that the students have no right to admission in a particular school of a local education agency as a consequence of enrollment in the Charter School, except to the extent that such a right is extended by the local education agency.

ELEMENT VII – FINANCIAL PLANNING, REPORTING, AND ACCOUNTABILITY

Financial and Programmatic Audit

Governing Law: The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority. Education Code Section 47605(b)(5)(I).

Lifeline Education Charter School has had independent financial audits since 2007. The independent financial audit for 2009-2010 is attached (**see Appendix A**).

Lifeline Education Charter School is responsible for all aspects of school operations. In doing such, the board of directors retains the option to contract for any services deemed necessary for the operation of the school. Lifeline Education Charter School is fully accountable for establishing expectations, guidelines and, at times, procedures for all contractors. Lifeline Education Charter School complies with all prescribed state requirements for the operation of a charter school as a not-for-profit public benefit corporation in the state of California.

Lifeline Education Charter School is classified as a 501(c)(3) corporation as a California not-for-profit corporation.

An annual independent financial audit of the books and records of the Charter School will be conducted as required by Education Code Sections 47605(b)(5)(I) and 47605(m). The books and records of the Charter School will be kept in accordance with generally accepted accounting principles, and as required by applicable law and the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controller's K-12 Audit Guide.

Lifeline Education Charter School has contracted with Clem Payne, Jr., CPA as the official auditor with experience in education finance and was selected from the Certified Public Accountants Directory published by the State Controller's Office, to conduct an annual audit of the Charter School using generally accepted accounting procedures.

The audit will be conducted pursuant to EC Section 41020, the Standards and Procedures for Audits of California K-12 Local Educational Agencies and in accordance with generally accepted accounting principles applicable to the school, and to the extent required by applicable federal law, the audit scope will be expanded to include items and processes specified in any applicable Office of Management and Budget Circulars.

The annual audit will be completed and forwarded to the County Superintendent of Schools, the State Controller, and to the CDE by the 15th of December of each year. The Executive Director, along with the Board, will review any audit exceptions or deficiencies and report to the Charter School Board of Directors with recommendations on how to resolve them. The Board will submit a report to the authorizer describing how the exceptions and deficiencies have been or will be resolved to the satisfaction of the authorizer along

with an anticipated timeline for the same. Audit appeals or requests for summary review shall be submitted to the Education Audit Appeals Panel ("EAAP") in accordance with applicable law.

The independent financial audit of the Charter School is public record to be provided to the public upon request.

Dispute Resolution Process

Governing Law: The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter. Education Code Section 47605(b)(5)(N).

The Charter School and the authorizer will be encouraged to attempt to resolve any disputes with the authorizer amicably and reasonably without resorting to formal procedures.

In the event of a dispute between the Charter School and the authorizer, Charter School staff, employees and Board members of the Charter School and the authorizer agree to first frame the issue in written format ("dispute statement") and to refer the issue to the authorizer's liaison and the Executive Director of the Charter School. In the event that the authorizer believes that the dispute relates to an issue that could lead to revocation of the charter in accordance with Education Code Section 47607, the Charter School requests that this shall be noted in the written dispute statement, although it recognizes it cannot legally bind the authorizer to do so. However, participation in the dispute resolution procedures outlined in this section shall not be interpreted to impede or act as a pre-requisite to the authorizer's ability to proceed with revocation in accordance with Education Code Section 47607.

The authorizer's liaison and Superintendent shall informally meet and confer in a timely fashion to attempt to resolve the dispute, not later than 5 business days from receipt of the dispute statement. In the event that this informal meeting fails to resolve the dispute, both parties shall identify two Board members from their respective boards who shall jointly meet with the liaison and the Executive Director of the Charter School and attempt to resolve the dispute within 15 business days from receipt of the dispute statement.

If this joint meeting fails to resolve the dispute, the liaison and the Executive Director shall meet to jointly identify a neutral third party mediator to engage the Parties in a mediation session designed to facilitate resolution of the dispute. The format of the mediation session shall be developed jointly by the liaison and the Executive Director. Mediation shall be held within sixty business days of receipt of the dispute statement. The costs of the mediator shall be split equally between the authorizer and the Charter School. If mediation does not resolve the dispute either party may pursue any other remedy available under the law. All timelines and procedures in this section may be revised upon mutual written agreement of the authorizer and the Charter School.

Lifeline recognizes that, because the SBE is not a local education agency, the State Board of Education may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.

Lifeline Education Charter School Board of Directors has adopted policies and processes for airing and resolving internal and external disputes. The Director is responsible for administering these procedures. (See Appendix C – Employee Handbook Sec. IX-e)

School Closure

Governing Law: A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records. Education Code Section 47605(b)(5)(P).

Lifeline Education Charter School shall abide by the closure regulations as set forth in Section 11962, Title 5, *California Code of Regulations*. In the event Lifeline Education Charter School closes, the assets and liabilities of Lifeline Education Charter School will be disposed of by the Board of Trustees in accordance with applicable state and federal law and the asset disposition provisions of Lifeline Education Charter School's Articles of Incorporation. The Board of Directors will attend to enumeration and disposing of the assets and liabilities as directed in the Articles of Incorporation. The Executive Director shall ensure that a final audit of Lifeline Education Charter School's assets and liabilities is performed.

Closure of the Charter School will be documented by official action of the Board of Directors. The action will identify the reason for closure. The official action will also identify an entity and person or persons responsible for closure-related activities.

The Board of Directors will promptly notify parents and students of the Charter School, the authorizer, the Los Angeles County Office of Education, the Charter School's SELPA, the retirement systems in which the Charter School's employees participate (e.g., Public Employees' Retirement System, State Teachers' Retirement System, and federal social security), and the California Department of Education of the closure as well as the effective date of the closure. This notice will also include the name(s) of and contact information for the person(s) to whom reasonable inquiries may be made regarding the closure; the pupils' school districts of residence; and the manner in which parents/guardians may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.

The Board will ensure that the notification to the parents and students of the Charter School of the closure provides information to assist parents and students in locating suitable alternative programs. This notice will be provided promptly following the Board's decision to close the Charter School.

The Board will also develop a list of pupils in each grade level and the classes they have completed, together with information on the pupils' districts of residence, which they will provide to the entity responsible for closure-related activities.

As applicable, the Charter School will provide parents, students and the authorizer with copies of all appropriate student records and will otherwise assist students in transferring to their next school. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy

Act ("FERPA") 20 U.S.C. § 1232g. The Charter School will ask the County or other authorizer-approved entity to store original records of Charter School students. All records of the Charter School shall be transferred to the County or other authorizer-approved entity upon Charter School closure. If the County or other authorizer-approved entity will not or cannot store the records, the Charter School shall work with the authorizer to determine a suitable alternative location for storage.

All state assessment results, special education records, and personnel records will be transferred to and maintained by the entity responsible for closure-related activities in accordance with applicable law.

As soon as reasonably practical, the Charter School will prepare final financial records. The Charter School will also have an independent audit completed within six months after closure. The Charter School will pay for the final audit. The audit will be prepared by a qualified Certified Public Accountant selected by the Charter School and will be provided to the authorizer promptly upon its completion. The final audit will include an accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value, an accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation, and an assessment of the disposition of any restricted funds received by or due to the Charter School.

The Charter School will complete and file any annual reports required pursuant to Education Code section 47604.33.

On closure of the Charter School, all assets of the Charter School, including but not limited to all leaseholds, personal property, intellectual property and all ADA apportionments and other revenues generated by students attending the Charter School, remain the sole property of the Charter School and upon the dissolution of the non-profit public benefit corporation shall be distributed in accordance with the Articles of Incorporation. Any assets acquired from the authorizer or authorizer property will be promptly returned upon Charter School closure to the authorizer. The distribution shall include return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports, as well as the return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.

On closure, the Charter School shall remain solely responsible for all liabilities arising from the operation of the Charter School.

As the Charter School is operated as a non-profit public benefit corporation, should the corporation dissolve with the closure of the Charter School, the Board will follow the procedures set forth in the California Corporations Code for the dissolution of a non-profit public benefit corporation and file all necessary filings with the appropriate state and federal agencies.

As specified by the Budget in Appendix B, the Charter School will utilize the reserve fund to undertake any expenses associated with the closure procedures identified above.

MISCELLANEOUS ELEMENTS

A. Budget and Financial Reporting

Governing Law: The petitioner or petitioners shall also be required to provide financial statements that include a proposed first year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. Education Code Section 47605(g).

Attached, as Appendix A, please find the following documents:

- Budget assumptions
- Financial projections for three years of operation

These documents are based upon the best data available to the Petitioners at this time.

The Charter School shall provide reports to the authorizer as follows, and may provide additional fiscal reports as requested by the authorizer:

1. By July 1, a preliminary budget for the current fiscal year.

2. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31. Additionally, on December 15, a copy of the Charter School's annual, independent financial audit report for the preceding fiscal year shall be delivered to the District, State Controller, State Department of Education and County Superintendent of Schools.

3. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31.

4. By September 15, a final unaudited report for the full prior year. The report submitted to the District shall include an annual statement of all the Charter School's receipts and expenditures for the preceding fiscal year.

B. Insurance

The Charter School shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts will be based on recommendations provided by the authorizer and the Charter School's insurer. The authorizer shall be named as an additional insured on all policies of the Charter School.

C. Administrative Services

Governing Law: The manner in which administrative services of the school are to be provided. Education Code Section 47605(g).

It is anticipated that the Charter School will provide or procure most of its own administrative services including, but not limited to, financial management, personnel, and instructional program development either through its own staff or through an appropriately qualified third-party contractor.

D. Facilities

Governing Law: The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate. Education Code Section 47605(g).

Middle School Campus (440 S. Santa Fe Ave)
Lifeline holds instruction for 6th through 8th grade students at 440 S. Santa Fe Ave, Compton, CA 90221. This is a single story facility where there are 5 classrooms, 1 resource room, a commercial kitchen (not in use), and an outside physical education area.

High School Campus (225 S. Santa Fe Ave)
Lifeline holds instruction for 9th through 12th grade students at 225 S. Santa Fe Ave, Compton, CA 90221. This is a two story facility where there are 7 classrooms, 1 resource room, 1 multipurpose room, and an outside physical education area. The high school campus is our primary location (*home office*) for all business associated with Lifeline.

E. Transportation

The Charter School will not provide transportation to and from school, except as required by law for students with disabilities in accordance with a student's IEP.

IMPACT ON THE CHARTER AUTHORIZER

Governing Law: Potential civil liability effects, if any, upon the school and upon the District. Education Code Section 47605(g).

Lifeline Education Charter School shall be operated as a California non-profit public benefit corporation. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code and California Revenue and Taxation Code Section 23701d.

Pursuant to Education Code Section 47604(c), an entity that grants a charter to a charter school operated by or as a non-profit public benefit corporation shall not be liable for the debts or obligations of the charter school or for claims arising from the performance of acts, errors or omissions by the Charter School if the authority has complied with all oversight responsibilities required by law. Lifeline Education Charter School shall work diligently to assist the authorizer in meeting any and all oversight obligations under the law, including monthly meetings, reporting, or other authorizer-requested protocol to ensure the authorizer shall not be liable for the operation of the Charter School.

Further, the Charter School and authorizer shall enter into a MOU, wherein the Charter School shall indemnify the authorizer for the actions of the Charter School under this charter.

The corporate bylaws of the Charter School shall provide for indemnification of the Charter School's Board, officers, agents, and employees, and the Charter School will purchase general liability insurance, Board Members and Officer's insurance, and fidelity bonding to secure against financial risks.

As stated above, insurance amounts will be determined by recommendation of the authorizer and the Charter School's insurance company for schools of similar size, location, and student population. The authorizer shall be named an additional insured on the general liability insurance of the Charter School.

The Lifeline Education Charter School Board will institute appropriate risk management practices as discussed herein, including screening of employees, establishing codes of conduct for students, and dispute resolution.

APPENDICES

APPENDIX A – INDEPENDENT AUDITORS REPORT/ FINANCIALS

APPENDIX B – STUDENT HANDBOOK

APPENDIX C – EMPLOYEE HANDBOOK

APPENDIX D – SAMPLE LESSON PLANS

APPENDIX E – ARTICLES OF INCORPORATION, BYLAWS, 501c3 IRS LETTER

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Compton Unified School District Findings for Denial and Petitioner's Response

COMPTON UNIFIED SCHOOL DISTRICT
Item No. 11/12-052

TO:	**Honorable Members of the Board of Trustees**
FROM:	**Karen E. Frison, Interim Superintendent**
DATE:	**December 13, 2011**
RE:	***Staff Analysis and Recommendation: Lifeline Education Charter School***

INTRODUCTION

The following is a Staff Analysis of the proposed renewal Petition ("Petition") of the Lifeline Education Charter School which was submitted to the Compton Unified School District ("District") on or about October 19, 2011. A public hearing on this Petition was held at the November 22, 2011 meeting of the District's Board of Trustees ("Board").

This Staff Analysis sets forth the District's analysis of the Petition and a recommendation regarding its disposition. To assist members of the Board in its decision, this analysis includes a brief overview, history and legislative summary of charter schools. Attached is the Petition that was submitted by Lifeline Education Charter School ("Lifeline"). Background information regarding charter schools generally was obtained in substantial part from www.uscharterschools.org and www.cde.ca.gov.

Lifeline was initially chartered by the Gorman Elementary School District in 2002. Because of geographical restrictions imposed by Education Code §47605.1 (pursuant to Assembly Bill 1994, passed in 2002), the school was required to seek a new authorizer for the 2007–08 school year. Lifeline petitioned the Compton Unified School District, and the Petition was denied by the District in March 2007, and was subsequently denied by the Los Angeles County Board of Education ("LACOE") in June 2007.

Lifeline elected to file with the California State Board of Education ("SBE") on September 2007, and the SBE initially granted Lifeline a one-year term. According to Lifeline, because of the late start to the school year, Lifeline lost many of its teachers and had difficulty recruiting replacements. In January 2008, the SBE granted Lifeline a two-year extension, bringing its total term under the SBE to three years to June 2010. In July 2010, the SBE extended Lifeline's charter for an additional two years to complete a full five-year term, ending June 30, 2012.

Lifeline estimates that it currently serves approximately 300 students, and anticipates the same enrollment for the 2012-13 school year. During the 2010-11 school year, Lifeline served 296 students.[1] During the 2008-09 and 2007-08 school years, Lifeline enrolled 274 and 214 students respectively.[2] According to the 2010 Standardized Testing and Reporting (STAR) program data, 57 percent of pupils at Lifeline are Hispanic or Latino; 40 percent of pupils are African American; 24 percent of pupils are English Learners; and 95 percent of pupils are Participants in Free or Reduced-Price Lunch.[3]

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[1] *Enrollment data acquired from the California Department of Education ("CDE") website.*
[2] *Enrollment data acquired from the California Department of Education ("CDE") website. The CDE's website contains no enrollment information regarding Lifeline's 2009-10 school year.*
[3] *STAR data acquired from the California Department of Education ("CDE") website.*

OVERVIEW

Charter schools are nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools. The "charter" establishing each such school is a performance contract detailing the school's mission, program, goals, students served, methods of assessment, and ways to measure success. The length of time for which charters are granted varies, but most are granted for 3-5 years. At the end of the term, the entity granting the charter may renew the school's contract. Charter schools are accountable to their sponsor (usually a state or local school board) to produce positive academic results and adhere to the charter contract. The basic concept of charter schools is that they exercise increased autonomy in return for this accountability. They are accountable for both academic results and fiscal practices to several groups: the sponsor that grants them, the parents who choose them, and the public that funds them.

BRIEF HISTORY

The charter school movement has roots in a number of other reform ideas, from alternative schools, to site-based management, magnet schools, public school choice, privatization, and community-parental empowerment. The term "charter" may have originated in the 1970s when New England educator Ray Budde suggested that small groups of teachers be given contracts or "charters" by their local school boards to explore new approaches. Albert Shanker, former president of the American Federation of Teachers, then publicized the idea, suggesting that local boards could charter an entire school with union and teacher approval. In the late 1980s, Philadelphia started a number of schools-within-schools and called them "charters." Some of them were schools of choice. The idea was further refined in Minnesota and based on three basic values: opportunity, choice, and responsibility for results.

In 1991, Minnesota passed the first charter school law, with California following suit in 1992. By 1995, 19 states had signed laws allowing for the creation of charter schools, and by 1999, that number increased to 36 states, Puerto Rico, and the District of Columbia. Charter schools are one of the fastest growing innovations in education policy, enjoying broad bipartisan support from governors, state legislators, and past and present secretaries of education. President Clinton also supported them, calling in his 1997 State of the Union Address for the creation of 3,000 charter schools by the year 2000 and delivering remarks for the 1999 Charter Schools National Conference. Since 1994, the federal Department of Education has provided grants to support states' charter school efforts, from $6 million in fiscal year 1995, to $100 million in fiscal year 1999.

LEGISLATIVE SUMMARY

Passed in 1992 and amended several times since then, California's charter school law (Education Code section 47600 et seq., also referred to as the "Charter Schools Act") allows for an unlimited number of charters to be granted by local school districts and county boards, but sets a statewide cap. Charter terms may be granted for up to 5 years. General purpose and categorical funding for charter schools is comparable with other public schools, and charter schools may receive funds directly from the state. Charter school students are required to take state assessments, including the high school exit exam. The charter school is exempt from state and local education rules and regulations, except as specified in the legislation.

GENERAL PROVISIONS REGARDING CHARTER PETITIONS

Once a charter school petition is approved, the charter generally becomes a controlling document, constituting the agreement between the district and the charter school. For this reason, each of the major terms controlling the operation of the charter school as well as its relationship with the district should be contained in the proposed charter.

In reviewing the charter petition, the District should be aware of certain general provisions of the Charter Schools Act. In section 47605(b), the Legislature made explicit the requirement that school districts reviewing charter petitions bear in mind the Legislature's intent that charter schools become an integral part of the educational program of California and charter schools should be encouraged. Despite this explicit Legislative intent, a charter school petition must meet various threshold requirements as set forth in Education Code section 47605(a). If a charter school petition meets these threshold requirements, a governing board may still deny the petition if the board makes written factual findings specific to the particular charter petition being reviewed, setting forth facts, which support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school;

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in that petition;

(3) The petition does not contain the number of signatures required by section 47605(a);

(4) The petition does not contain an affirmation of various nondiscrimination and admissions requirements; or

(5) The petition does not contain reasonably comprehensive descriptions of sixteen specific items required to be included in a charter petition.

Educ. Code § 47605(b).

Moreover, the State Board of Education has promulgated regulations regarding charter school petitions. See 5 Cal. Code Reg. § 11967.5.1. Although these regulations generally govern appeals on denials of charter petitions at the local level, they shed light on the State Board of Education's understanding of the meaning of the elements specified in Education Code section 47605(b).

Finally, the Model Charter School Application ("Model Application"), approved by the California State Board of Education at its November 2003 meeting, contains criteria and suggestions as to how a petition can comply with section 47605(b). The Model Application is provided for use by charter petitioners and authorizers as a tool in developing and evaluating charter petitions at all levels of the charter petition approval process. Use of the Model Application does not automatically assure compliance with all applicable laws; nor is it mandatory. It is exemplary and offered to strengthen the processes of charter development and ensure rigor and consistency of the petitions statewide.

SUMMARY OF STATE BOARD OF EDUCATION CHARTER PETITION APPEALS

Since 1992, 71 charter petition appeals have been submitted to the SBE for consideration. Of these 71, (a) the SBE approved 28 petitions following denial by a local district, (b) 28 petitions were withdrawn by the petitioners prior to formal consideration by the SBE, (c) the SBE denied 8 petitions, (d) the SBE did not take formal action on 3 petitions, and (e) 4 petitions are currently pending before the SBE.

The 28 charter petitions approved by the SBE since 1992 account for 33 charter schools approved to operate under those charter petitions. This is due to multiple charter schools that operate under each of the 3 statewide benefit charters approved by the SBE. Of the 33 charter schools approved by the SBE, 25 charter schools are currently operating under SBE oversight, and 8 charter schools are no longer under SBE oversight due to charter renewal at the local level, abandonment, and 1 revocation. Of the 25 charter schools currently operating under SBE oversight, the SBE approved 13 on appeal of local denial, 9 under 3 statewide benefit charters, and the SBE renewed 3 charter schools on appeal of local denial.

DATA REVIEW OF LIFELINE EDUCATION CHARTER SCHOOL AND COMPTON UNIFIED SCHOOL DISTRICT

Academic Data for Lifeline and Surrounding CUSD Schools[4]				
API Data				
	Lifeline	***Centennial***	***Compton***	***Dominguez***
2007 Base API/ 2008 Growth API	611/585 (-26)	511/537 (26)	551/561 (10)	557/589 (32)
2008 Base API/ 2009 Growth API	582/572 (-10)	537/532 (-5)	561/558 (-3)	589/563 (-26)
2009 Base API/ 2010 Growth API	571/653 (82)	533/573 (40)	558/567 (9)	564/626 (62)
2010 Base API/ 2011 Growth API	654/655 (1)	572/580 (8)	568/578 (10)	625/622 (-3)
2010-11 Adequate Yearly Progress (AYP) Data				
	Lifeline	***Centennial***	***Compton***	***Dominguez***
Met AYP Criteria (Criteria met/Applicable Criteria)	No (9/17)	No (17/22)	No (16/22)	No (11/22)
2011-12 Program Improvement (PI) Status	Not in PI	Year 5	Year 5	Year 5
2011 California High School Exit Examination				
	Lifeline	***Centennial***	***Compton***	***Dominguez***
% Passed ELA: Grade 10	59	71	65	67
% Passed Mathematics: Grade 10	75	65	63	69

[4] *Academic data acquired from the California Department of Education ("CDE") website.*

AP Test Scores		
	Lifeline	***CUSD High Schools***
2009-10	Has AP classes listed in Petition, but no students have taken an AP test.	475 AP Test Takers (162 received score of 3 or higher)
2008-09	Has AP classes listed in Petition, but no students have taken an AP test.	375 AP Test Takers (101 received score of 3 or higher)
2007-08	Has AP classes listed in Petition, but no students have taken an AP test.	421 AP Test Takers (92 received score of 3 or higher)
SAT Test Scores		
	Lifeline	***CUSD High Schools***
2009-10 - % of Grade 12 pupils who took SAT test	No SAT data	23.28
2008-09 - % of Grade 12 pupils who took SAT test	11.11	23.5
2007-08 - % of Grade 12 pupils who took SAT test	0	24.48

Based on the above academic data review and comparative analysis for Lifeline and Compton Unified School District, it does not appear that Lifeline is meeting its academic goals as set forth in its previous petition submissions. Lifeline's API scores significantly dropped in the years leading up to 2009-10, at which time the SBE determined Lifeline must increase its scores or it would not be renewed for the full 5-year term. Soon thereafter, Lifeline's API scores increased by a staggering 82 points. When Lifeline was asked what steps it took to dramatically increase its API score, its Administrators provided little information other than that it focused on standard based instruction.[5] Lifeline did not implement or provide any additional professional development, intervention, data analysis, or other strategy to support its API increase.

Further, as shown in the chart above, Lifeline does not currently meet its AYP. In addition, Lifeline has a significantly lower California High School Exit Examination English Language Arts ("ELA") percentage passage rate than all of the District's high schools. On the same note, the percentage of Lifeline's 2010-11 twelfth grade students who sat for the SAT was less than half of the percentage of the District's twelfth grade students who sat for the SAT.

Another glaring shortcoming with Lifeline is that it does not offer any Advance Placement ("AP") classes even though AP classes were listed in the "Scope and Sequence" in Lifeline's 2009 Petition. Accordingly, Lifeline's students have not sat for any AP tests since its inception over four years ago. In contrary, the District has increased the number of AP test takers and percentage pass rate in recent years.

[5] *The District's Interim Assistant Superintendent – Accountability, Instruction and EL, Dr. Ramon Zavala, met with Lifeline Administrators on December 5, 2011. An asterisk (*) next to a sentence reflects that the information was obtained by Dr. Zavala during his this meeting.*

Truancy Rate for Lifeline and Surrounding CUSD High Schools[6]		
	Lifeline (average of 291 students)	*CUSD (average of 6,183 students)*
2010-11	57.09	2.92
2009-10	5.61	75.95
2008-09	13.5	30.54
Expulsion Numbers for Lifeline and Surrounding CUSD High Schools[7]		
	Lifeline (average of 291 students)	*CUSD (average of 6,183 students)*
2010-11	3	2
2009-10	9	1
2008-09	0	3
Expulsion Numbers for Lifeline and Surrounding CUSD High Schools[8]		
	Lifeline (average of 291 students)	*CUSD (average of 6,183 students)*
2010-11	112	838
2009-10	35	1004
2008-09	12	654

Lifeline's number of truancies, expulsions and suspensions has skyrocketed during the 2010-11 school year, and were all significantly higher than the District's numbers.

Staff Analysis of Lifeline Education Charter School Renewal Petition

A. Lifeline Charter School Presents An Unsound Education Program For The Pupils Enrolled In The Charter School.

For purposes of Education Code section 47605(b), a charter petition shall be "consistent with sound educational practice" if it is likely to be of educational benefit to pupils who attend.

1. Teacher Qualification

Under California Code of Regulations, Title 5, Section 11967.5.1(c)(4),[9] a charter petition shall be considered to contain an unsound educational program if the petitioners personally lack the necessary background in the areas critical to the charter school's success and the petitioners do not have a plan to secure the services of individuals who have the necessary background in these areas. The regulation lists

[6] *Data acquired from the California Department of Education ("CDE") website.*
[7] *Data acquired from the California Department of Education ("CDE") website.*
[8] *Data acquired from the California Department of Education ("CDE") website.*

[9] *This provision of the California Code of Regulations relates to appeals to the State Board of Education from denials of charter petitions at the local level. While the criteria prescribed in this section govern appeals, the State Board of Education suggests that petitioners apply the criteria* to ensure a comprehensive charter document. Moreover, these criteria may eventually apply since appeals are part of the full charter petition approval process.

critical areas as curriculum, instruction, assessment, finance, and business management. Moreover, the Model Charter School Application,[10] developed by the State Board of Education, also provides that the petitioners shall present substantial evidence of the founding group demonstrating their "capacity to establish and sustain an excellent school" and their expertise to "manage public funds effectively and responsibly."

The Petition states that "[a]ll core, college prep teachers will meet the No Child Left Behind qualifications of being 'highly qualified' professionals. (See Petition at p. 61). The Petition recognizes that a highly qualified teacher must (1) have a bachelor's degree; (2) possess necessary teaching credentials; (3) demonstrate subject matter competency; and (4) demonstrate competency for each subject and grade span they teach. (See Educ. Code § 56058; 20 U.S.C. § 1401(10)).

However, upon examination of the Petition, it appears that very few of Lifeline's teachers are "highly qualified." To the contrary, it appears that some of the teachers currently employed by Lifeline do not even possess regular teaching credentials. Additionally, it does not appear that Lifeline employs teachers with the proper certification to teach a number of the classes being offered at the school. Specifically, it appears that Lifeline teachers P.N., P.G., E.M., and N.O. do not have teaching credentials.[11] (See Petition Appendix G, Exhibit A). Further, Lifeline teacher J.H. is the only teacher listed with a science teaching credential. J.H. has a Life General Elementary teaching credential, which permits her to teach from Kindergarten through eighth grade. As such, it does not appear that Lifeline has any teacher credentialed to teach science in grades nine through twelve.[12] I.P. is listed as a Special Education teacher, but only possesses a Clear Multiple-Subject credential.[13]

The Petition states that a "28:1 student-to-teacher ratio is targeted to provide students individual attention and help teachers instruct effectively." (See Petition at p. 15). However, the Petition states that Lifeline currently has six teachers, including two special education teachers, which makes the 2011-12 student-to-teacher ratio at best 49:1.

The Petition states that Lifeline requires its students to complete two years of visual and performing arts, but does not appear to employ any teacher credentialed or competent to teach such classes. (See Petition at pp. 27-28 and Appendix G.) Nor is there any indication that any such classes are being offered at Lifeline.

When combined with the data above, it appears that Lifeline presents an unsound education program for the pupils enrolled in the charter school.

B. The Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Petition.

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[10] *Approved by the California State Board of Education at its November 2003 meeting, the Model Charter School Application ("Model Application") is provided for use by charter petitioners and authorizers as a tool in developing and evaluating charter petitions at all levels of the charter petition approval process. Use of the Model Application does not automatically assure compliance with all applicable laws; nor is it mandatory. It is exemplary and offered to strengthen the processes of charter development and ensure rigor and consistency of the petitions statewide.*

[11] *The official website of the California Commission on Teaching Credentialing ("CTC"), i.e., www.ctc.ca.gov, contains the credentialing information for the teachers. According to the CTC's website, P.N., P.G., E.M., and N.O. do not possess any teaching credential.*

[12] *See California Commission on Teaching Credentialing ("CTC") website.*

[13] *See California Commission on Teaching Credentialing ("CTC") website.*

Education Code section 47605(b) states that a petition may be denied if the petitioners are demonstrably

unlikely to successfully implement the program set forth in the petition. There are several areas in the Petition where there is a disconnect between Petition's goals and the Petition's means to achieve the goals and will unlikely be able to successfully implement the program in the future.

1. Targeted Population

Lifeline indicates that many of its "students come from families that have never even attended high school let alone thought of college, . . . students overcoming adversity (See Petition at p. 6)." After four years in operation, the Petition fails to provide any evidence that Lifeline has met its expectations, or to set forth a plan to recruit "at risk" students.

2. Accreditation from the Western Association of Schools and Colleges.

The Western Association of Schools and Colleges ("WASC") is one of the six regional associations that accredit public and private schools, colleges and universities in the United States. WASC covers institutions in California and its Accrediting Commission for Schools is responsible for the accreditation of school below the college level, which includes Lifeline.

Although not mandated, WASC accreditation (1) certifies to the public that the school is a trustworthy institution of learning and (2) validates the integrity of a school's program and student transcripts. More importantly, credits earned from courses offered by a charter school can be transferred to another school only if the charter school is WASC accredited. (See Educ. Code § 47605(b)(A)(ii).)

Lifeline has not been accredited by the WASC. (See Petition at p. 28). In 2009, Petitioners asserted that they intended to begin the WASC application during the 2009-10 school year. However, now in 2011 Petitioners still contend that they are preparing to apply to WASC. Petitioners have set forth no explanation for the delay, nor even any evidence that they are truly in the process of pursuing the accreditation. (See Petition at p. 28).

3. Special Education

The Petition states that Lifeline "shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Action..." (See Petition at p. 37). While Petitioners have provided a Special Education Local Plan Area Agreement (the "SELPA Agreement) between El Dorado County Charter and petitioners, the Petition fails to provide any evidence that Lifeline has complied with its responsibilities and duties set forth in the SELPA Agreement. (See Petition at Appendix G).

For example, the Petition is deficient in explaining (1) which Lifeline personnel are part of the Section 504 team, (2) which Lifeline personnel are qualified to assess and counsel special education students, (3) what facilities are available for special education purposes, (4) what resources, including that portion of the budget, is devoted to special education, and (5) what transportation services are available for special education programs.

Since these concrete steps are important for a successful implementation of its special education program, the Petition's deficiency in these areas demonstrates that the Petitioners are unlikely to successfully implement the program set forth in the Petition, and have provided no evidence to support otherwise.

C. The Petition Does Not Contain Reasonably Comprehensive Descriptions As Required.

Education Code section 47605(b)(5) requires that the charter contain reasonably comprehensive descriptions of the various substantive provisions regarding the proposed program. The Petition fails this requirement in several respects.

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1. A Comprehensive Description of the Educational Program

i. *Description of How Learning Best Occurs*

Students' learning abilities vary from one individual to the next. Lifeline states that it believes instruction should be differentiated. (See Petition at p. 12). The Petition sites "Ruby Payne, Douglass Reeves, and Mike Schomoker and . . . Harvard School of Educational Studies, WestEd., and McREL" in support of its methodology. (See Petition at p. 13). Lifeline purports to promote a learning environment that emphasizes academic progress as well as academic success and is "designed to provide an alternative choice to the traditional public school system." (Petition at p. 9).

Lifeline teachers are purportedly instructed to employ the deductive instructional method and the inductive instructional method. The deductive method of teaching is through Direct Instruction. Lessons are designed around small learning increments. Teachers sequence instruction to ensure students understand information. Teachers' inductive strategy instruction is primarily through Project Based Learning, a constructivist approach. Projects help make learning relevant and useful to students by establishing connections to life outside the classroom. The Petition claims that teachers are directly involved in the instructional of each of their students. Teaches are trained to differentiate the curriculum to meet the individuals needs of the students in their classes.

The Petition states that Lifeline tries to balance its instructional methodologies between an inductive learning process and a deductive learning experience. (See Petition at p. 16). While Lifeline professes to present several instructional methodologies, the Administration only set forth that it provides direct instructional strategies to teach the standards and to support student academic needs. In a recent interview, the Administration indicated that its instruction focuses on "simple basic skills in English language arts and math problem solving skills."*

In September, 2009, the middle school teachers were immersed in training for Language!, which is an instructional program intended to reduce reading barriers. (See Petition at p. 15). It was suspended in 2010 due to financial reasons and reinstated in 2011. Language! is offered to students after school during the tutoring program, ASES. These programs are based on direct instructional methods.

Lifeline Administrators indicated that its students enroll in the school up to three years below grade-level basic English Language skills.* African-Americans enter Lifeline with lower scores than English Learners in English Language Arts ("ELA") and English proficiency. When Lifeline's Administrators were asked about what specific instructional strategies employed to meet African-American students' academic language needs, none were cited.*

ii. Professional Development

The Petition indicates that "each academic department individually and collectively attends training workshops throughout the year" and that teachers receive training once a month during staff meetings. (See Petition at p. 23). However, when asked to describe its professional development, Lifeline Administrators indicated only that teachers attended Professional Learning Committees, which a collection of teachers working together.*

The Petition and the interview with Lifeline Administrators did not provide evidence of a systematic and structured professional development with a consistent monitoring process.

iii. English Learners

English Learners ("EL") constitute a significant number of Lifeline students. According to the California Department of Education Data Quest, in 2008-09, Lifeline served 78 EL students out of a 274 enrollment, i.e. 28%. Given this high number and percentage of EL students, the EL section of Lifeline's Petition is particularly weak. (See Petition at pp. 32-33).

The Petition provides a description of EL students, information on EL identification, California English Language Development Test ("CELDT") assessment, and English Language Development ("ELD") instruction. It does not provide an outline or describe specific strategies for EL instruction or interventions. (See Petition at p. 33). When Lifeline's Administrators were asked how they were ensuring reclassifications or meeting the needs of EL students classified as CELDT Level 4, Intermediate, they were unable to provide a response.*

During the 2010-11 school year, Lifeline served 130 EL students and no EL students received Specially Designed Academic Instruction in English ("SDAIE") services support. Students receiving SDAIE services receive ELD and, at a minimum, two academic subjects required for grade promotion or graduation, taught through SDAIE. ELD combined with SDAIE focuses on increasing the comprehensibility of the academic courses normally provided to English-only students in a district. During the 2009-10 school year, Lifeline served 72 EL students and no students received SDAIE support

In comparison, during 2010-11 school year, the District's Dominguez High served 765 EL students and 94% received SDAIE; Compton High served 653 EL students and 96% received SDAIE; and Centennial High served 271 students and 92% received SDAIE.

Further, during the 2010-11 school year, the District's Whaley Middle served 58 EL students and 100% received SDAIE; Bunche Middle served 310 EL students and 95% received SDAIE; David Middle served 465 students and 96% received SDAIE; Enterprise Middle served 132 EL students and 95% received SDAIE; Roosevelt Middle served 357 EL students and 99% received SDAIE; and Willowbrook Middle served 98 EL students and 93% received SDAIE.

The above demonstrates the lack of EL development and support being offered to Lifeline's EL students, especially in comparison to the services being provided at the District's EL students.

2. The Governance Structure of the School

Education Code section 47605(b)(5)(D) requires that a petition contain reasonably comprehensive descriptions of "[t]he governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement."

~~Here, Petitioners' descriptions of Lifeline's governance structure is still vague and amorphous. (See~~ Petition at pp. 51-54.) In September 2007, the CDE reviewed Lifeline's charter school petition, and determined that it did not present a reasonably comprehensive description of the school's governance structure.[14] Specifically, the CDE stated that "[t]here is no information regarding the current board of directors, how they were elected or their qualifications or expertise."[15] The current Petition lists the names of the three persons on the Board of Directors whose terms expired on June 30, 2010, but provides no information regarding how they were elected, their qualifications or expertise, or whether their terms were renewed or whether they were replaced as Board members. (See Petition at p. 27 of Appendix A.)

Further, the Petition states that the Chair of the "Site Advisory Council" shall be the Director, and that the "Site Advisory Council" consists of 10 – 15 parents who will be responsible for making collaborative recommendations to the Board of Directors in relation to the school's total governance. However, the Petition is far from clear how this "Site Advisory Council" functions and how its members are selected. Additionally, the Petition does not provide any information as to whether there are any current or former members of the "Site Advisory Council," or any decisions or recommendations made by the Council.

The Petition does not appear to comply with the requirements regarding governance.

3. Employee Qualifications/Teacher Credentialing

Education Code section 45605(b)(5)(E) requires that a petition contain reasonably comprehensive descriptions of the "qualifications to be met by individuals to be employed by the school." Teachers in charter schools shall be required to hold a California Commission on Teaching Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. Educ. Code § 47605(l).

The Petition states all core, college prep teachers will meet the No Child Left Behind qualifications of being "highly qualified" professionals. However, the Petition does not identify those classes or teachers that are considered "core." (See Petition at p. 61.) Further, as discussed in detail above, it appears that a number of Lifeline teachers do not possess the required teaching credentials. Additionally, the Petition sets forth a list of "key personnel" positions, but does not identify persons serving in all of these key personnel positions. Petitioners also fail to set forth whether the "key personnel" employees identified meet all of the qualifications, skills/knowledge and experience qualifications. (See Petition at pp. 62-68.)

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[14] *See CDE 2007-08 Charter School Petition Review Form for Lifeline Education Charter School at p. 12.*

[15] *See CDE 2007-08 Charter School Petition Review Form for Lifeline Education Charter School at p. 12.*

4. Retirement Systems

Education Code section 45605(b)(5)(K) requires that a charter petition contain reasonably comprehensive descriptions of "the matter by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security." The regulations require, at a minimum, that the Petition "specify] the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made." 5 Cal. Code Reg. § 11967.5.1(f)(11).

The Petition states that Lifeline's employees will participate in California State Teachers' Retirement System (CalSTRS) or in California Public Employees' Retirement System (CalPERS) and that employee membership in these programs is mandatory for those who qualify. (See Petition at p. 70.) However, the Petition's limited description lacks specificity with respect to the actual plan being offered to employees, the positions to be covered under each system, and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made. (See Petition at p. 70.)[16]

Conclusion

Lifeline is in its fifth year of operations. The renewal petition should have been enveloped with examples of philosophy, methods, and accomplishments. Instead, while the Petition is lengthy, it is written in the future tense. Interventions should be based on student data. The Petition fails to set forth a systemic and structural professional development with monitoring processes, and a program evaluation.

It is recommended that the renewal of Lifeline be denied.

[16] *See also CDE 2007-08 Charter School Petition Review Form at p. 19.*

Item No. 11/12-052/12
Staff Analysis and Recommendation: Lifeline Education Charter School
December 13, 2011

LIFELINE'S REBUTTAL
January 24, 2012

The following information is provided in response to the petition for renewal submitted by Lifeline Education Charter School to the Compton Unified School District (CUSD) on October 19, 2011. The CUSD staff analysis contains numerous factual errors and is not indicative of the academic performance data for Lifeline. Accordingly, the staff analysis does not constitute a permissible basis for denial of the charter renewal petition.

The following response was prepared to follow the Staff Analysis and Recommendation statements beginning on page 4. The **bold underlined** titles correspond to those found in the Staff Analysis and Recommendation.

Data Review of Lifeline Education Charter School and Compton Unified School District:
The review and evaluation fails to acknowledge that Lifeline's Academic Performance Index (API) growth scores exceeded those of Centennial, Compton, and Dominguez High Schools since the 2009-10 school year. In the 2008-09 school year, Lifeline's API growth scores exceeded those of Centennial and Compton and were only 4 points behind Dominguez High School. Lifeline has increased 70 points overall since 2008 compared to schools in the Compton Unified School District such as Centennial (43 point increase), Compton High School (17 point increase), and Dominguez (33 point increase).

Although, Lifeline did not meet the Adequate Yearly Progress (AYP) for the 2010-11 fiscal year, no other school in CUSD met its AYP, either. In addition, Lifeline is not a Program Improvement (PI) school for 2011-12, but all schools in Compton are in their 5th year of PI.

Although Lifeline students are not currently offered "AP" courses or tests, the Charter School offers Plato software educational options which consist of an online resource kit used to challenge the "high achievers" in their courses. Additionally, Lifeline also refers students to the community college of their choice to take advantage of a wider range of courses. Currently many of Lifeline's students are concurrently enrolled at Compton Community College. *Please refer to the petition, page 31.*

Truancy Rate for Lifeline and Surrounding CUSD High Schools (Table 1)
Lifeline is approximately 21 times smaller than the surrounding CUSD schools combined and therefore a student is 21 times more likely to be noticed when they are absent. Lifeline attempts to prevent any students from being absent-*without a valid excuse*-by having the attendance clerk personally call the parents of those students that were absent. This has afforded us with a historically lower absence rate.

After careful review, the information that was submitted on the June 2011 CONAPP was reported incorrectly. The CONAPP was resubmitted to reflect accurate data for our 2010-2011 school year. The pages that were resubmitted have been attached to this document.

Expulsions Numbers for Lifeline and Surrounding CUSD High Schools (Table 2)

The "Expulsion Numbers/Data" are correct on the 2nd table.

Expulsions Numbers for Lifeline and Surrounding CUSD High Schools (Table 3)
The 3rd table should have read "suspension" numbers. The "suspension" numbers are being presented as expulsion numbers and therefore providing the wrong student data and information regarding Lifeline's students to the CUSD Board.

After careful review, the information that was submitted on the June 2011 CONAPP was reported incorrectly. The CONAPP was resubmitted to reflect accurate data for our 2010-2011 school year. The pages that were resubmitted have been attached to this document.

Table 1 and 3/CONAPP Changes Described
CONSOLIDATED APPLICATION DATA SYSTEM (2011-12) JUNE 2011

The following changes to the June 2011 submission were made on January 3, 2012. According to communication with the CONAPP support team, DataQuest is scheduled to be updated no later than mid-February 2012. A copy of the resubmitted pages and the email has been attached.

Page 8 - 2011-12 Title I, Part A
The numbers previously reported included a total count of students. The numbers on Column B, *Enrollment* includes an accurate account of students enrolled. Colum C, # *Low Inc* was adjusted to include all students eligible and participating in Title I Part A services.

Page 14 - 2010-11 School Reporting Form for Title I, Part A-1
The numbers previously reported included a total count of students. The numbers reflected now are for students that received Title I Part A services.

Page 20 - 2010-11 School Reporting Form for UMIRS Data
The information from the June 2011 submission was analyzed and was verified. Please accept our most recent data.

Attendance has historically never been an issue for Lifeline. Although we had a higher amount of absences, mainly due to flu symptoms, they were excused and therefore weren't supposed to be counted towards the truancy number.

Additionally, our suspensions were reported incorrectly.

Staff Analysis of Lifeline Education Charter School Renewal Petition
A. 1. *paragraph 3:* Appendix G: Attachment "A" Special Education Local Plan Areas (SELPA Assurances and Services) is the contract and documentation that was submitted to the SELPA in 2007 for consideration (clearly stated by the signature date of 09/28/07). The teachers listed on that sheet are no longer employed by Lifeline Education Charter School. All current 2011-2012 teachers meet the NCLB requirements with the exception of two teachers that are currently in the process of acquiring a preliminary teaching credential; Lifeline is currently awaiting approval from the California Teacher Credentialing Department.

A. 1. *paragraph 4:* At the middle school, there are 5.5 teachers for 140 students which is exactly a 25:1 average teacher to student staffing ratio. At the high school, there are 7 teachers for 200

students which yields a 28:1 average student to teacher ratio. A 49:1 student to teacher ratio as cited by CUSD in the staff analysis component is factually incorrect.

A. 1. *paragraph 5*: Recognizing the importance of bilingual education, Lifeline students are offered the opportunity to substitute their 3rd consecutive year of Spanish for 1 year of Visual and Performing Arts. This is an advantage when students apply to a university.

With the information provided above *correctly presented*, it appears that the Staff Analysts claims are easily refuted and Lifeline *does* present a sound education program for the pupils enrolled in the charter school.

B. 1. Targeted Population - Each summer, as a form of student recruitment towards our targeted population, Lifeline walks the surrounding community going door-to-door, at shopping centers, and a different community centers in the area. Those recruited and our current students are considered "at-risk" of dropping out of high school, since many are first generation high school students. Additionally, over 91% of our student population is eligible for the Free and Reduced Lunch Program due to their family's low-income levels (many of which qualify for State and Federal supplemental income programs). *See petition at page 6 and ConApp attached at page 3-4.*

B.2. Accreditation from the Western Association of Schools and Colleges - With the major success in student performance during the 2009/10 school year, Lifeline was prepared to move forward with the initial WASC goal and the two-year process of securing an appropriate term commensurate with their current levels of achievement.

The school knew they had a long way to go and could not rely on just one set of high growth scores. The school depended greatly upon the efforts of the newly appointed Principal to carry on this goal by trusting past leadership and continue to improve the instructional practices, learning devices and support systems that had been put in place. However, the new leadership failed to accept the advice and collaborative wisdom of the school staff regarding their past efforts and dedication to improving student learning which quickly led to the loss of faith and trust in their Principal, and the rapid dismantling of an very new and susceptible system structure and eventual collapse of all that had been established.

With this set of events, by May 2011, the Board of Directors had taken action to return the school to it's previous state of success and also understood the very rough year had taken it's toll on any hope of moving forward with WASC involvement. However, the Board of Directors gave the support needed to get the school back to it's former level of improvement and look forward to beginning the WASC initial process in the Spring of 2012.

B.3. Special Education - *See petition at page 41.*
Lifeline Education Charter School seeks to provide students with disabilities a quality education in the least restrictive environment. Due to the wide range of disabilities, Lifeline Education Charter School offers the full continuum of services. Lifeline Education Charter school currently has 10% of our student population serviced through an Individualized Education Plan (IEP). Although, we strive to follow a full inclusion model, this is not always the most appropriate placement and/or the least restrictive environment.

We have four students that are provided services in a Special Day Program (SDP). These students receive 50% of education in a self-contained class. SDP students receive Math, English, and Elective Life Skills/Daily Living Skills in a self-contained class taught by a certificated multiple-subject teacher. For the remainder of the day, our SDP students are then mainstreamed into General Education, Physical Education, History, and Elective courses, including but not limited to Health, Computer Technology, and Psychology.

Our students placed in the Resource Specialist Program (RSP) receive support in the general education classroom provided by a certificated para-professional. In addition our RSP student's schedules include an elective learning center class. Lifeline Education Charter School operates a learning center in which students receive specialized and targeted services geared to support their success in the general education curriculum.

Special Education services are provided by a team of teachers under the guidance of Teacher Special Education Teacher and Coordinator. The coordinator works with the general education staff to ensure that a student's Individualized Education Plan (I.E.P) is implemented and the I.E.P. goals are met. The coordinator provides support in the general education classrooms which include but are not limited to, accommodations, modifications, co-planning, co-teaching, and DIS-Services.

Some of our students with disabilities, require DIS-Services which include but not limited to Adapted Physical Education, Counseling, and Speech services. In past years (2007 to 2010), Lifeline Education Charter School contracted with South West SELPA to provide DIS-Services. Currently we contract with Advancement for Higher Education (AHEAD) to provide all services. In order to be compliant with triennial reviews, AHEAD and the Special Education Coordinator, coordinate for School Psychologists and Nurse's to test our students.

In addition to support, our students age 15-22 are provided a comprehensive transition program. During the Learning Center, students receive transition lessons. Lifeline Education Charter School strives to seek appropriate placement for our graduating students.

In previous years we have sent students to the El Camino Transition Program. During the 2010-2011, school year the Special Education Department only had one senior with an IEP. The senior was referred to the UCLA Pathways program and was admitted. Pathways at UCLA Extension is a two-year certificate program for students with intellectual and other developmental disabilities, offering a blend of educational, social, and vocational experiences, taught and supervised by experienced instructors sensitive to the individual needs of our students. On campus, Pathway students attend classes and participate with UCLA students in the many social, recreational, and cultural activities of a major university.

In addition to the above mentioned accomplishments, the Special Education Department also met its target during the 2010-2011 School Year.

C.1.*i. Description of How Learning Best Occurs* - Lifeline offers a unique learning environment compared to the traditional public school system. Teachers are free to adjust their teaching modality freely to accommodate individual students who demonstrate difficulty with the curriculum. Teachers will begin with a Direct Instruction Model (teacher in front, students sitting in rows, teacher gives information, asks leading questions, checks for understanding).

Because of the size of the school, teachers become aware of student behaviors, talents, likes and dislikes by conversations taking place before and after school, during class breaks, and lunch. Compare this with a school of two to three thousand. Teachers find themselves working with students in making good decisions, helping with an upsetting issue, or just talking about what happened in class or is going to happen in class. This interpersonal relationship helps the student and teacher understand each other which has great power when carried over into the classroom.

Differentiating curriculum is actually the adjustment of the delivery, depth of pedagogy and finding the hook that will help in engaging the student in the mastery of the concept.

All teachers at Lifeline use projects and student driven assessment to define the level in which a student masters the curriculum.

Teachers are so used to incorporating both direct instruction and project based instruction that these two seemingly polar opposites are considered as part of the talent of teaching and not viewed as either one or the other. i.e. "you did not master the content, therefore we are going to teach it another way." Opposed to "there are all types, sizes, skills, and talents in my classroom. Teaching will need to reflect those differences by blending in examples, references to prior knowledge, comparisons to everyday life, having students give their answers to a prompt and share those within their work group. The goal is for each group to figure out their problem using the skills of each member of their group.

When working in such a small school teachers become aware of personal habits, traits, talents, and emotional make up of all of their students and parents. Since most teachers teach all grade levels of student, chances are they have had the student for the past 3 to 4 years and are aware of their needs. Great teachers know their students and move in and out of instructional modalities very skillfully without a formal beginning of one and/or start of another.

C.1.ii. Professional Development - Professional development is acknowledged as being offered in the staff analysis (see staff analysis at page 10), but the CUSD review fails to provide the Staff Analyst's standard or criteria used to conclude that Lifeline does not have a "structured or monitoring process."

From August 2011 to May 2012, all staff will be made available approximately 34 various professional development sessions. About 24% will be offered off-site and the rest will be offered on-site with various guest speakers scheduled throughout the year.

Professional Development Sessions Available, Scheduled, or Completed:

- *New SES Universal Grantee Orientation, Presented by LACOE*
- *New Teacher Orientation, Mandated Reporters, HR Training, Presented by Human Resources Department*
- *Educational Vision and Expected School Wide Learning Results, Presented by Lifeline Education Charter School Administrative Team*
- *Data Director Training & Curriculum Instruction, Presented by Curriculum Coaches*
- *Special Education Training, Presented by Special Education Coordinator*
- *Jane Schaffer Writing Method, Presented by Middle School Campus Administrator*
- *Bullying Identification and Prevention, LECS Administrative Team*

- *Leadership, Team Building and Handling Conflict: Becoming Effective School Leaders in the 21st Century, Presented by Samuel H. Hancock Ed. D, L.P. C.*

- *Conflict Resolution: Tips for Effective Communication and Creative Problem Solving, Presented by March Purchin, Alternative Dispute Resolution Services*
- *SST Refresher Course, Presented by Special Education Coordinator*
- *Working with At-risk students, Presented by Administrative Team*
- *Teacher Evaluation Orientation, Presented by Administrative Team*
- *Refresher Course on Mandated Reporting and You, Presented by Administrative Team*
- *Effective Lesson Planning, Presented by Curriculum Coaches*
- *Discipline without Stress; Punishments or Rewards, Presented by Administrative Team*
- *ELD Instruction and SADIE Self-Study, Presented by ELD Coordinator*
- *Building Effective Small Learning Groups, Presented by Curriculum Coaches*
- ELD Self-Study (Ongoing)
- Using Benchmarks and Data Driven Decision Making for Common Core Standards, Presented by Curriculum Coaches
- Meaningful Learning Math Strategies Series 1 (Three Day Workshop): Presented by LACOE
- Nonviolent Crisis Intervention (NCI) (Security Staff and Special Education Staff), Presented by Mike Scott Southwest SELPA Office - Redondo Beach, California 90277
- *Framework for Understanding Poverty (Book by Ruby Payne) Book Review,* Presented by the Administrative Team
- *Using Technology to Differentiate Instruction,* Presented by LACOE
- *Assessment, Accountability, and Testing, Presented by Curriculum Coaches*
- Leading the Change to Common Core State Standards (WORKSHOP FOR ADMINISTRATORS)
- Museum of Latin American Arts - *Long Beach, CA 90802*
- *What every Para educator Should Know*
- Southwest SELPA - Redondo Beach, California 90277
- Visual Supports in the Classroom
- Southwest Support Center
- Nonviolent Crisis Intervention (NCI) (Security Staff and Special Education Staff)
- Presented by Mike Scott - Southwest SELPA Office - Redondo Beach, California 90277
- *Aligning Student Learning, Benchmarks, and CST's, Presented by Curriculum Coaches.*
- *Maximizing Student Achievement Through Instructional Coaches (A FOUR DAY CLINIC FOR CURRICULUM COACHES). Presented by LACOE*
- *ELD Self-Study Presentations and Walk-Around (Teachers will present findings of self-study)*
- Leading the Change to Common Core State Standards *(WORKSHOP FOR ADMINISTRATORS) The Huntington Library and Gardens - San Marino, CA 91108*
- *CST Training, Teachers and Administrative Team*
- *Teaching Grade Level Content, Presented by:* LACOE ECW - Downey, Ca 90242
- *May 9 & 10, 2012 (8:00 p.m.-2:30p.m.): Maximizing Student Achievement through Instructional Coaches (A FOUR DAY CLINIC FOR CURRICULUM COACHES). Presented by LACOE*

- Visual Supports in the Classroom, Presented by: Jan Levinrad Southwest Support Center

C.1.*iii. English Learners* - The English Learners section begins on page 32 and continues - *in detail* - to page 37(not to page 33), as the staff analysis fails to recognize.

Compton Unified School District claims that during an interview with Lifeline Administrators, they were unable to provide a response to questions asked in regards to reclassifications. Lifeline Administrators gave specific examples of differentiated and SDAIE instruction and GLAD strategies that were used in the classroom to ensure that ELD learners met their academic achievement targets.

The question Dr. Zavala posed to Lifeline's administrative staff sought to identify how many of our students were reclassified. At the time of interview Lifeline's administrative team were still awaiting CELDT test scores and were unable to give a specific number. In fact, Dr. Zavala was referred to our ELD Coordinator, Ms. Gomez to seek further clarification.

To this date, Lifeline Education Charter School received the CELDT scores. In order to reclassify English Learners, we must:

Lifeline will follow the following steps in reclassifying English Learner students:

1) Review the annual CELDT results for English-language proficiency. In order to be reclassified, a student must meet the CELDT definition of proficiency, which is an overall score of early advanced or advanced, and scores are intermediate or above for each of the sub-skill areas: listening, speaking, reading, and writing. If the student meets this criterion, we move on to the next step in the reclassification process otherwise the student will remain as an English learner.
2) In addition to meeting CELDT's definition of proficiency students must attain at least basic status in English Language Arts on the California Standardized Tests.
3) Students who meet the CST criterion must obtain at least a grade of "C" on the end semester English Language Arts assessment.
4) The fourth step in the process is parental opinion and consultation. If the student has satisfied all criteria for reclassification, then notice should be provided to parents and guardians of their rights to participate in the reclassification process. The notice also should encourage their participation in this process.

Finally, the student would be reclassified to fluent English proficient ("RFEP"). As part of this process, parents and guardians are notified, school records are updated, and Lifeline continues to monitor the student's progress for two years. If the student fails to progress, the school will provide the necessary intervention.

Lifeline Education Charter School currently has 119 ELD students. Of those 119 students, 97 are preparing to reclassify to Fluent English Proficient ("FEP"). The end of the first Semester is January 27, 2012 and grades are finalized on February 3, 2012. At this time Lifeline will be able to begin the fourth step of the process and ensure that student have satisfied all criteria for reclassification.

Nineteen of our ELD students are performing in the Intermediate level and only three students are performing at the beginning level. Lifeline Education Charter school has a majority of its students performing in the Early Advanced and Advanced Levels.

CUSD's claim that no EL student received Specially Designed Academic Instruction in English ("SDAIE") services is completely false and incorrect. 97.5% of our ELD student population receives SDAIE strategies. 2.5% of our ELD population is serviced through pull-out model.

In addition, 100% of our credentialed teachers possess an ELD authorization to teach our ELD population. Professional Development that focuses on developing our ELD students is viewed as priority.

C2. The Governance Structure of the School - Under the old bylaws, the Board Members terms would have expired. However, the new bylaws allow for 3 consecutive terms that consist of 2-year periods for each participating member. See Appendix E - Bylaws page 3.

C3. Employee Qualifications/Teacher Credentialing - California Education Code§ 47605 (b)(5)(E) states, in its entirety, "*The qualifications to be met by individuals to be employed by the school.*" This section does not require Lifeline to list the names of the *key personnel* or of the *hired teaching staff.* The requirement under the California Education code was met by listing the available positions in great detail; the staff analysts cannot impose *requirements* unless so stipulated by the California Education Code.

Furthermore, the Staff analysis uses the District's Interim Assistant Superintendent, Dr. Ramon Zavala's visit with Lifeline at least five times throughout the analysis, but failed to ask/mention any concerns during the visit in regards to the teaching /administrative staff.

All current 2011-2012 teachers meet the NCLB requirements with the exception of two teachers. Those teachers are currently in the process of acquiring a preliminary teaching credential; Lifeline is currently awaiting approval from the California Teacher Credentialing Department.

C4. Retirement Systems - The retirement systems for employees are consistent with CalPERS and CalSTRS. The Administrative Manager manages the fund, the Los Angeles County Office of Education routes payment, and funds are held by CalPERS/CalSTRS. As required, this is described on page 70.

Conclusion - Although the Staff Analysis is lengthy, the evaluation contains numerous factual errors that can be validated by accessing statewide student data regarding the academic performance of the Lifeline Education Charter School. There are additional concerns with the petition as cited by CUSD, however some of those concerns were not brought up during the site visit.

Moreover, the staff analysis by CUSD was made available to Lifeline via U.S. mail delivered on December 14, 2011, the morning [**after**] the summary was presented to the CUSD Board. This type of untimely response by CUSD provided an insufficient time line for Lifeline to adequately respond to the CUSD staff analysis of Lifeline's petition for renewal.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Ackerman Charter School District: Hold a Public Hearing to Consider a Petition to Renew Districtwide Charter.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE

Ackerman Charter School District (Ackerman CSD) (county-district-school code 31 66761 6031009), is currently a State Board of Education (SBE)-authorized districtwide charter, with a term that expires on June 30, 2012.

Pursuant to California *Education Code* (*EC*) Section 47606, a school district may convert all of its schools to charter schools if approved by joint action of the SBE and the State Superintendent of Public Instruction (SSPI). Renewals of districtwide charters are subject to the conditions of *EC* Section 47607 and may be granted for terms of five years.

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing and renew the districtwide charter for the Ackerman CSD for a five-year term ending June 30, 2017. In accordance with the requirements in *EC* Section 47606(b), the SSPI recommends approval of the Ackerman CSD charter renewal.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on April 11, 2012, and voted to recommend approval of the charter renewal petition request by Ackerman CSD. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

Ackerman CSD submitted its renewal petition to the CDE on February 6, 2012. Before it can be considered for renewal, a charter school or district that has been in operation for four years shall meet at least one of four criteria outlined in *EC* Section 47607(b). Ackerman CSD operates one school, Bowman Charter School (BCS), which has met all four of the criteria as follows: (Attachment 3, Tables 1–3 provide additional data).

Requirement 1: Attain its Academic Performance Index (API) growth target in the prior year or in two of the last three years, or in the aggregate for the prior three years.

Met: BCS met this target in the past two years.

Requirement 2: Rank in deciles 4 to 10, inclusive, on the API in the prior year or in two of the last three years.

Met: During the 2008–11 academic years, BCS attained an API decile rank of 7.

Requirement 3: Rank in deciles 4 to 10, inclusive, on the API for a demographically comparable school API in the prior year or in two of the last three years.

Met: BCS attained a 2011 API similar schools decile rank of 5 in the previous year. (BCS attained an API similar schools decile rank of 3 in 2010 and 4 in 2009.)

Requirement 4: The entity that graded the charter determines that the academic performance of the charter school is at least equal to the academic performance of the public schools pupils that would otherwise have been required to attend, as well as the academic performance of the schools in the school district in which the charter schools is located, taking into account the composition of the pupil population that is served at the charter school.

Met: BCS attained a higher API growth than the neighboring Auburn Union School District. (See tables 3 and 4 of Attachment 2.)

The Ackerman CSD consists of one school, BCS, which currently serves approximately 520 pupils in kindergarten through grade eight in Auburn, California. The renewal petition describes an educational program likely to meet the needs of pupils within the community by providing an educational program grounded in standards-based instruction fostered in a collaborative environment. The petitioners are demonstrably likely to implement the program set forth in the petition and the petition contains reasonably comprehensive descriptions of the 16 charter elements pursuant to *EC* Section 47605(b)(5). In addition, the CDE finds that Ackerman CSD has experience

BRIEF HISTORY OF KEY ISSUES (Cont.)

in starting and operating a districtwide charter under the authorization of the SBE and has been responsive and compliant to deadlines and requests from the CDE.

Attachment 1 summarizes the CDE staff review of the charter petition and operations of the district when evaluated against the 16 required elements for renewal.

Demographic data from 2011 shows that Ackerman CSD serves 29.5 percent of pupils from socio-economically disadvantaged (SED) families; 2.3 percent are designated as English learner (EL) students; and 12.7 percent of pupils are Hispanic or Latino. (Refer to Attachment 2, Table 1.)

Ackerman CSD currently has a 2011 Growth API of 864. Over the current five-year charter term, Ackerman CSD had a net API growth of 22 points. Ackerman CSD's 2010–11 API growth was 19 points. Data displayed in Attachment 2, Tables 2 and 3. Ackerman CSD's statewide rank for the past three years has remained a seven.

The Ackerman CSD mission is to assist students in becoming academically successful, responsible, confident, and creative. Ackerman CSD focuses on student outcomes and offers an education program that promotes academic self-reliance, personal integrity, and a life-long love of learning.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE and the SSPI authorized Ackerman CSD on May 1, 2007. Currently, eight districtwide charters are operating under SBE and SSPI approval.

FISCAL ANALYSIS (AS APPROPRIATE)

Operation of Ackerman CSD has essentially no fiscal impact on the state as a whole. If approved, Ackerman CSD would continue to receive apportionment funding at the district's revenue limit. The district's budget has received a positive financial condition certification from the Placer County Office of Education. A letter stating this information is included on page 44 of the petition (see Attachment 3).

ATTACHMENTS

Attachment 1: California Department of Education Districtwide Renewal Petition Review Form: Ackerman Charter School District (24 Pages)

Attachment 2: Ackerman Charter School District Data Tables (7 Pages)

ATTACHMENTS (Cont.)

Attachment 3: Ackerman Charter School District Charter Renewal Application (51 Pages)

Attachment 4: Ackerman Charter School District Board of Trustee Agenda, Minutes, and Assurances (3 Pages)

California Department of Education
Districtwide Renewal Petition Review Form:
Ackerman Charter School District

Key Information	
Grade Span	The Ackerman Charter School District (Ackerman CSD) serves approximately 520 students in grades kindergarten through eight.
Location	Ackerman CSD operates one charter school located in Auburn, California: Bowman School, 13777 Bowman Rd, Auburn, CA
Brief History	In 2007, the State Board of Education (SBE) approved Ackerman CSD to operate as a districtwide charter under the oversight of the SBE for a five-year charter term. The petitioners submitted a petition for renewal of its districtwide charter to the SBE on February 6, 2012.
Lead Petitioner	Gary Yee, Superintendent/Principal, Ackerman CSD

California Department of Education Staff Review Summary for the Ackerman CSD Renewal Petition			
	Required Charter Elements Under *Education Code* Section 47605(b)	**Meets Requirements**	**Technical Amendments**
	Sound Educational Practice	Yes	
	Ability to Successfully Implement the Intended Program	Yes	
	Affirmation of Specified Conditions	Yes	
1	Description of Educational Program	Yes	Yes
2	Measurable Pupil Outcomes	Yes	
3	Method for Measuring Pupil Progress	Yes	
4	Governance Structure	Yes	
5	Employee Qualifications	Yes	
6	Health and Safety Procedures	Yes	
7	Racial and Ethnic Balance	Yes	
8	Admission Requirements	Yes	
9	Annual Independent Financial Audits	Yes	
10	Suspension and Expulsion Procedures	Yes	
11	Retirement Coverage	Yes	
12	Public School Attendance Alternatives	Yes	
13	Post-employment Rights of Employees	Yes	
14	Dispute Resolution Procedures	Yes	
15	Exclusive Public School Employer	Yes	
16	Closure Procedures	Yes	
	Standards, Assessments, and Parent Consultation	Yes	
	Employment is Voluntary	Yes	
	Pupil Attendance is Voluntary	Yes	

Summary of Recommended Technical Amendments	
Relevant Section of *EC* or *California Code of Regulations*, *Title 5 (5 CCR)*	**Recommended Technical Amendments**
***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**	**Plan for English Learners:** The CDE recommends Ackerman Charter School District incorporate more thorough language in the charter petition regarding how English Learners (EL) will be identified.

Requirements for State Board of Education Authorized Charter Schools

Sound Educational Practice	***EC* Section 47605(b)** ***California Code of Regulations, Title* 5 (5 *CCR*) Section 11967.5.1(a)**
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE.	
Is the charter petition "consistent with sound educational practice?"	**Yes**

Comments:

The Ackerman CSD renewal petition proposes to serve students in Auburn, California with an educational program that is likely to be of educational benefit to the pupils who attend the school as evidenced by consistent API growth during the previous five-year charter term. The Ackerman CSD renewal petition states that the benefits of districtwide charter status allow the district to offer an innovative and effective education program to a broader range of families and communities.

The Ackerman CSD mission is to foster a collegial atmosphere between home, community, and school for the benefit of each student by providing education and a learning experience tailored to the needs of each student. Ackerman CSD uses a standards-based instructional model with state-approved materials.

Ackerman CSD has only one school, Bowman School. The district/school is in Program Improvement (PI) status Year 2. In the 2009–10 year, the school did not meet the Annual Measurable Objectives (AMOs) for the Socio Economically Disadvantaged subgroup (SED) in the area of English language arts, but scored 3.6 percentage points above the statewide proficient level for the SED subgroup. In the 2010–11 year, the school did not meet the AMOs for the SED subgroup in the area of mathematics, but did meet the target through safe harbor for English language arts. The school SED subgroup scored 9 percentage points above the statewide SED proficient level rate in mathematics. Tables 3–7 of Attachment 3 reflect data from the 2010–11 Standardized Testing and Reporting cycle.

Ability to Successfully Implement the Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program." (1) If the petitioners have a past history of involvement in charter schools or other education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control. (2) The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school. (3) The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified). (4) The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.	
Are the petitioners likely to successfully implement the program?	**Yes**

Comments:

Ackerman CSD has a strong record of educational, financial, and governance success. The district received a letter of support for its educational progress and positive financial certification from the Placer County Office of Education (Placer COE). The district's budget also has received a positive financial condition certification from the Placer COE. A letter stating this information is included on page 44 of the petition (see Attachment 2). CDE staff reviewed audited financial data from the 3 prior years of operation including 2008-09, 2009-10 and 2010-11. Annual audits for the period reviewed reflect an unqualified status and consistent fiscal trends. The audits also reflect strong ending fund balances averaging $3.4 million, net assets averaging $11.6 million and reserves designated for economic uncertainty of 10 percent. Enrollment and average daily attendance are also consistent and show only minor fluctuations.

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).	
(1)…[A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.	Yes
(2)(A) A charter school shall admit all pupils who wish to attend the school. (B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. (C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.	Yes
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to	Yes

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
pupils subject to compulsory full-time education pursuant to *EC* Section 48200.	
Does the charter petition contain the required affirmations?	**Yes**

Comments:

The Ackerman CSD charter renewal petition contains all of the required affirmations.

The 16 Charter Elements

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program…, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Yes
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Yes
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Yes
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	Yes
(G) Indicates how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.	Yes
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	Yes

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
If serving high school students, describes how district/charter school informs parents about: • transferability of courses to other public high schools; and • eligibility of courses to meet college entrance requirements (Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable, and courses meeting the UC/CSU "a-g" admissions criteria may be considered to meet college entrance requirements.)	NA
Does the petition overall present a reasonably comprehensive description of the educational program?	**Yes**

Comments:

The Ackerman CSD mission is to foster a collegial atmosphere between home, community, and school for the benefit of each student by providing education and a learning experience tailored to the needs of each student. Ackerman CSD uses a standards-based instructional model with state-approved materials.

The Ackerman CSD educational program includes a wide range of elective choices for middle school students including Advancement Via Individual Determination (AVID), three levels of choir, three levels of band, and a musical theater class. Classrooms are equipped with SMART Boards, document cameras, Elmos, and student computers. Ackerman CSD staff foster a collaborative environment through the use of Professional Learning Communities (PLC).

The Ackerman CSD charter renewal petition describes the identification of and the educational program for students with disabilities, EL students, low-achieving students, and high-achieving students.

Plan for Low-Achieving Students

Ackerman CSD is meeting the needs of academically low achieving students through a variety of intervention programs and instructional strategies. These programs and strategies include focused instruction in small groups, after-school tutoring, tutorial workshops during lunch, AVID, small group differentiated learning centers within the classroom, and/or instruction from a resource teacher. Through the use of PLC, Ackerman CSD has developed and implemented Response To Intervention (RTI). The districts' RTI model is fluid and allows students to move in and out of classrooms and groups according to formative assessments used during weekly cycle of inquiry processes. The district uses a variety of methods to identify low-achieving students including standardized test scores, instructional software assessment, teacher observation, curriculum-based measurement, and academic grades.

Plan for High-Achieving Students

Ackerman CSD meets needs of high achieving students through differentiated instruction programs and self-paced instructional software. Teachers use projects, collaborative groups, and enrichment electives to meet the needs of academically high achieving students.

Plan for English Learners

Ackerman CSD commits to meet all applicable legal requirements for EL students as they pertain to identification, notification, program options, and placement. EL students are monitored and are provided strategies to strengthen academics. Identified students are provided instruction by teachers who have Crosscultural, Language, and Academic Development (CLAD), Bilingual Crosscultural, Language, and Academic Development certificate (BCLAD), English Language Development (ELD) and/or Specially Designed Academic Instruction in English (SDAIE) certification. Additional instructional strategies include peer and cross-age partnering and differentiated instruction.

The CDE recommends Ackerman Charter School District incorporate more thorough language in the charter petition regarding how English Learners (EL) will be identified.

Plan for Special Education Students

Ackerman CSD recognizes its responsibility to comply and assures compliance with all state and federal regulations and laws affecting individuals with exceptional needs. Students can be referred to the special education process by a parent, teacher, or a Student Study Team meeting. If appropriate and approved by the parent, a student is formally evaluated in accordance with state and federal law. Ackerman CSD is an independent local educational agency for special education services and is a member of the Placer County Special Education Local Planning Area (SELPA).

2. Measurable Pupil Outcomes	***EC* Section 47605(b)(5)(B)** **5 *CCR* Section 11967.5.1(f)(2)**
Evaluation Criteria Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	Yes
(B) Include the school's API growth target, if applicable.	Yes
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**Yes**

Comments:

The Ackerman CSD petition contains measurable pupil outcomes that measure student academic progress in the areas of the California Standards Tests (CSTs), benchmark assessments, and attendance.

The petition states that Ackerman CSD students will progress towards achieving the state content standards at a proficient or advanced level as measured by the CSTs in ELA and mathematics.

Ackerman CSD 2007–12 Measurable Pupil Outcomes	
2007–12 Measurable Pupil Outcome	**District Provided Analysis**
Improve pupil learning	Met: API has risen from 829 in 2007 to 864 in 2001
Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving	Met: intervention time is embedded throughout the school day to include remedial as well as homework recovery sessions for all grade levels. Support Staff has made diligent progress with RtI , maximizing student time in the general education setting with appropriate support.
Encourage the use of different and innovative teaching methods	Met: The district continually sends teachers to workshops to improve curricular delivery and classroom management skills.

Ackerman CSD 2007–12 Measurable Pupil Outcomes	
2007–12 Measurable Pupil Outcome	**District Provided Analysis**
Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site	Met: The district is heavily invested in Professional Learning Communities (PLC) as espoused by the DuFours. PLC provides the vehicle to best implement Common Core State Standards (CCSS), provide opportunities for peer review, and better articulate with the high school district.
Provide parents and pupils with expanded choice in the types of educational opportunities that are available within the public system	Met: Through parent and community volunteers, the district provided enrichment activities during and after the school day. Additionally, by providing services such as Library, Computer Lab, PE, Performing Arts, etc., students are exposed to a well-rounded education as they prepare for high school and beyond.
Hold the schools established under this part accountable for meeting measurable pupils outcomes, and provide the schools with a method to change from rule-based to performance-based accountability systems	Met: This new accountability for student learning is at the heart of the CCSS implementation process.
Provide vigorous competition within the public school system to stimulate continual improvements in all public schools	Met: As a charter district, the priority is to remain highly competitive within the local region, particularly as more families are looking for alternative options for their children. To that end, the district remains fiscally conservative and solvent, program rich, and fully staffed.

- Targets for percentage of students achieving proficient or advanced:
    - 2012–13 school year:
        - 85 percent of district students in grades two through eight will score proficient or advanced on the ELA portion of the CST
        - 88 percent of district students in grades two through eight will score proficient or advanced on the mathematics portion of the CST

- 2013–14 school year:
  - 100 percent of district students in grades two through eight will score proficient or advanced on the ELA portion of the CST as per No Child Left Behind (NCLB) or any new federally-mandated Common Core Standards
  - 100 percent of district students in grades two through eight will score proficient or advanced on the mathematics portion of the CST as per NCLB or any new federally-mandated Common Core Standards
- 2014–15 school year:
  - 100 percent of district students in grades two through eight will score proficient or advanced on the ELA portion of the CST as per NCLB or any new federally-mandated Common Core Standards
  - 100 percent of district students in grades two through eight will score proficient or advanced on the mathematics portion of the CST as per NCLB or any new federally-mandated Common Core Standards
- 2015–16 and 2016–17 school years:
  - 100 percent of district students in grades two through eight will score proficient or advanced on the ELA portion of the CST as per NCLB or any new federally-mandated Common Core Standards
  - 100 percent of district students in grades two through eight will score proficient or advanced on the mathematics portion of the CST as per NCLB or any new federally-mandated Common Core Standards

3. Method for Measuring Pupil Progress	***EC* Section 47605(b)(5)(C)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Yes
(B) Includes the annual assessment results from the STAR program.	Yes
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	Yes
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of the methods to be used for measuring achievement and student progress. Key methods of measuring student progress include:

- State-mandated assessments
- Local assessments and evaluations including teacher observation, state-adopted textbook assessments, teacher-developed assessments, and computer diagnostic assessments which measure student level progress.
- Student projects

4. Governance Structure	***EC* Section 47605(b)(5)(D)** **5 *CCR* Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	Yes
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	Yes
Does the petition present a reasonably comprehensive description of the school's governance structure?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of its governance structure. The five members of the Board of Trustees are elected by the district community. This election process is governed by state and local statute. All policies are enacted at public board meetings. Ackerman CSD encourages parents and community members to participate in the school site council. The school site council is comprised of parents, community members, and staff. All members are elected by their peers. The role of the school site council is to consult with parents and teachers regarding the site's educational program, consider parent suggestions and concerns, oversee curriculum and services, and participate in developing annual goals.

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications [of the school's employees], as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	Yes
Does the petition present a reasonably comprehensive description of employee qualifications?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of employee qualifications. All of the Ackerman CSD teachers are deemed highly qualified under the Elementary and Secondary Education Act. The County Office of Education has oversight responsibility of teacher credentials; CDE did not independently verify employee qualifications.

6. Health and Safety Procedures	***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**
Evaluation Criteria The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes
(B) Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes

6. Health and Safety Procedures	***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Yes
Does the petition present a reasonably comprehensive description of health and safety procedures?	**Yes**

Comments:

The Ackerman CSD charter renewal petition meets the requirements of *EC* Section 47605(b)(5)(F).

7. Racial and Ethnic Balance	***EC* Section 47605(b)(5)(G)** **5 *CCR* Section 11967.5.1(f)(7)**
Evaluation Criteria Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Yes**

Comments:

The Ackerman CSD renewal petition meets the requirements of *EC* Section 47605(b)(5)(G).

8. Admission Requirements, If Applicable	***EC* Section 47605(b)(5)(H)** **5 *CCR* Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	**Yes**

Comments:

The Ackerman CSD charter renewal petition describes admission requirements to be used at the school. Ackerman CSD commits to conducting a public random drawing if more applications are received than there is capacity. The school has a Family Participation Plan, which outlines a volunteer agreement to complete twenty hours per year of participatory service, but there is no consequence or enforcement if families do not fulfill these service hours.

9. Annual Independent Financial Audits	***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	Yes
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.	Yes
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	Yes
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted.

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	Yes
(B) Identify the procedures by which pupils can be suspended or expelled.	Yes
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	Yes
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	Yes
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in…regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	Yes
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**Yes**

Comments:

The Ackerman CSD charter renewal petition commits to follow the rules and procedures for all pupils by utilizing a suspension and expulsion policy based upon *EC* Section 48900.

11. CalSTRS, CalPERS, and Social Security Coverage	***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**
Evaluation Criteria The manner by which staff members of the charter schools will be covered by the California State Teachers Retirement System (CalSTRS), the California Public Employees Retirement System (CalPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?	**Yes**

Comments:

The Ackerman CSD charter renewal petition specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for the coverage have been made.

12. Public School Attendance Alternatives	***EC* Section 47605(b)(5)(L)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any LEA (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of the public school alternatives available to Ackerman CSD students. Ackerman CSD has a letter of agreement from Auburn Union School assuring that students not wishing to attend Ackerman CSD may be enrolled. (See page 43 of Attachment 2.)

13. Post-employment Rights of Employees	***EC* Section 47605(b)(5)(M)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of the post-employment rights of Ackerman CSD employees.

14. Dispute Resolution Procedures	***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not a LEA.	Yes
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a LEA, the SBE may choose resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the State Board of Education intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	Yes
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.	Yes
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**Yes**

Comments:

The Ackerman CSD charter renewal petition presents a reasonably comprehensive description of the dispute resolution procedures.

15. Exclusive Public School Employer	***EC* Section 47605(b)(5)(O)** **5 *CCR* Section 11967.5.1(f)(15)**
Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA) (Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the *Government Code*), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the EERA.	
Does the petition include the necessary declaration?	**Yes**

Comments:

The Ackerman CSD charter renewal petition makes clear that Ackerman CSD shall be deemed the exclusive public school employer of charter school employees for the purposes of the EERA.

16. Closure Procedures	***EC* Section 47605(b)(5)(P)** **5 *CCR* Section 11967.5.1(f)(15)(g)**
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	**Yes**

Comments:

The Ackerman CSD charter renewal petition includes a reasonably comprehensive description of closure procedures pursuant to *EC* Section 47605(b)(5)(P) and 5 *CCR* sections 11962 and 11962.1.

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

Standards, Assessments, and Parent Consultation	***EC* Section 47605(c)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**

Comments:

The Ackerman CSD charter renewal petition states that Ackerman CSD will meet all statewide standards and conduct all state-mandated pupil assessments.

Employment is Voluntary	***EC* Section 47605(e)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:

The petition states that no public school district employee shall be required to work for the charter school district.

Pupil Attendance is Voluntary	***EC* Section 47605(f)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:

The petition states that enrollment at Ackerman CSD is entirely voluntary on the part of the pupils.

Table 1: 2011 Demographic Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

District Name	Ackerman Charter School District	Auburn Union School District			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
Student Enrollment	518	727	298	517	520
% Black or African American	1.0	1.2	1.0	2.3	1.5
% American Indian or Alaska Native	0.6	1.2	1.7	1.2	1.9
% Asian	1.4	1.4	1.3	2.5	1.3
% Filipino	1.0	1.0	1.3	0.8	0.6
% Hispanic or Latino	12.7	19.3	58.1	18.0	9.2
% Native Hawaiian or Pacific Islander	0.0	0.0	0.7	0.4	0.4
% White	80.5	74.1	35.6	74.3	80.6
% Two or More Races	2.7	1.8	0.3	0.4	4.4
% Socioeconomically Disadvantaged	29.5	41.8	87.2	38.3	49.4
% English Learners	2.3	11.7	54.7	12.0	5.4
% Students with Disabilities	5.0	10.3	9.1	6.4	10.2

Data source used "DMDSQL1.SSIDAggregates.SSIDenroll"

Table 2: 2011 Truancy, Suspension, and Expulsion Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

District Name	Ackerman Charter School District	Auburn Union School District			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
Enrollment	518	727	298	517	520
Truancy Number (Rate)	127 (24.50)	50 (6.90)	22 (7.40)	58 (11.20)	79 (15.20)
Suspension Number (Rate)	68 (13.1)	94 (12.9)	28 (9.4)	1 (0.2)	7 (1.3)
Expulsion Number (Rate)	0 (0.00)	2 (0.30)	0 (0.00)	0 (0.00)	1 (0.20)

Data source was a provided spreadsheet "umirs1011.xls"

Table 3. Academic Performance Index (API) Growth for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

District Name	Ackerman Charter School District	Auburn Union School District			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
API Growth for 2010-11	19	5	2	10	-19
API Growth for 2009-10	14	6	-22	8	4
API Growth for 2008-09	11	35	25	-1	-3
API Growth for 2007-08	-5	25	11	-8	-4

Data sources used:
DMDSQL1.Eddemo2.grth2008
DMDSQL1.Accountability.grth2009
DMDSQL1.Accountability.grth2010
DMDSQL1.Accountability.grth2011

Table 4: 2011 Growth Academic Performance Index (API) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

District Name	Ackerman Charter School District	Auburn Union School District			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
Valid Scores Schoolwide	385	676	182	325	298
Schoolwide	864 (19)	823 (5)	746 (2)	843 (10)	807 (-19)
Black or African American	-	-	-	-	-
American Indian or Alaska Native	-	-	-	-	-
Asian	-	-	-	-	-
Filipino	-	-	-	-	-
Hispanic or Latino	759 (-)	714 (17)	697 (7)	645 (-)	777 (-)
Native Hawaiian or Pacific Islander	-	-	-	-	-
White	861 (14)	840 (7)	816 (-15)	862 (6)	839 (-14)
Two or More Races	-	813 (-)	-	-	-
Socioeconomically Disadvantaged	786 (21)	726 (18)	726 (2)	705 (64)	769 (-12)
English Learners	-	680 (-)	698 (18)	657 (-)	808 (-)
Students with Disabilities	663 (-)	606 (-)	620 (-)	723 (-)	723 (-)
Statewide/Similar Schools Rank	7 / 5	7 / 4	3 / 2	7 / 1	7 / 3

Data sources used:
DMDSQL1.Accountabilty.grth2011
DMDSQL1.Accountabilty.APIB2010

- The Growth API is not displayed when there are less than 11 valid scores
(-) The student group is not numerically significant, therefore no growth determination was made

Table 5: 2011 Adequate Yearly Progress (AYP) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

District Name	Ackerman Charter School District	Auburn Union School District			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
Met AYP Criteria	No	No	No	Yes	No
# Criteria Met/# Criteria Applicable	12 / 13	10 / 17	17 / 21	17 / 17	10 / 13
2011-12 Program Improvement (PI) Status	In PI	Not Title 1	In PI	Not Title 1	Not Title 1
2011-12 Program Improvement (PI) Year	Year 2	NA	Year 2	NA	NA

Data sources used:
DMDSQL1.Accountability.apr11a
DMDSQL1.Accountability.apr11pi_sch

Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA) for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

ELA % Proficency Target: 67.6					
District Name	**Ackerman Charter School District**	**Auburn Union School District**			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
Number of Valid Scores Schoolwide	385	676	180	325	297
Schoolwide (Met Target)	67.8 (Yes)	63.6 (No)	42.2 (Yes)	61.8 (Yes)	51.2 (No)
Black or African American (Met Target)	-	-	-	-	-
American Indian or Alaska Native (Met Target)	-	-	-	-	-
Asian (Met Target)	-	-	-	-	-
Filipino (Met Target)	-	-	-	-	-
Hispanic or Latino (Met Target)	52.2 (--)	41.4 (No)	32.4 (Yes)	28.0 (Yes)	40.0 (--)
Native Hawaiian or Pacific Islander (Met Target)	-	-	-	-	-
White (Met Target)	71.7 (Yes)	69.7 (Yes)	55.4 (Yes)	67.5 (Yes)	55.1 (No)
Two or More Races (Met Target)	75.0 (--)	41.7 (--)	-	-	-
Socioeconomically Disadvantaged (Met Target)	55.6 (Yes)	46.4 (No)	39.0 (Yes)	45.5 (Yes)	39.7 (No)
English Learners (Met Target)	-	28.8 (--)	34.7 (Yes)	25.6 (--)	31.2 (--)
Students with Disabilities (Met Target)	48.1 (--)	29.8 (--)	14.3 (--)	53.8 (--)	37.2 (--)

Data sources used:
DMDSQL1.Accountability.apr11a
DMDSQL1.Accountability.apr11pi_sch

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

Math % Proficency Target: 68.5					
District Name	**Ackerman Charter School District**	**Auburn Union School District**			
School Name	**Bowman Charter**	**EV Cain 21st Century STEM Charter**	**Rock Creek Elementary**	**Skyridge Elementary**	**Auburn Elementary**
CDS Code	**31667616031009**	**31667876031033**	**31667876031058**	**31667876109680**	**31667876112700**
Number of Valid Scores Schoolwide	385	674	181	325	298
Schoolwide (Met Target)	68.1 (Yes)	55.5 (No)	50.8 (No)	70.2 (Yes)	67.4 (Yes)
Black or African American (Met Target)	-	-	-	-	-
American Indian or Alaska Native (Met Target)	-	-	-	-	-
Asian (Met Target)	-	-	-	-	-
Filipino (Met Target)	-	-	-	-	-
Hispanic or Latino (Met Target)	54.3 (--)	34.4 (No)	40.8 (No)	44.0 (Yes)	44.0 (--)
Native Hawaiian or Pacific Islander (Met Target)	-	-	-	-	-
White (Met Target)	70.7 (Yes)	61.2 (No)	67.7 (Yes)	74.4 (Yes)	72.4 (Yes)
Two or More Races (Met Target)	66.7 (--)	41.7 (--)	-	-	-
Socioeconomically Disadvantaged (Met Target)	58.1 (No)	37.6 (No)	46.8 (No)	55.5 (Yes)	59.6 (Yes)
English Learners (Met Target)	-	31.2 (--)	40.4 (No)	43.6 (--)	43.8 (--)
Students with Disabilities (Met Target)	37.0 (--)	38.1 (--)	30.4 (--)	57.7 (--)	58.1 (--)

Data sources used:
DMDSQL1.Accountability.apr11a
DMDSQL1.Accountability.apr11pi_sch

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Ackerman Charter School District
CDS Code: 31 66761

Charter Renewal Application

2012 - 2017

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I. INTRODUCTION/RATIONALE

Ackerman Charter School District (ACSD) is a small, independent, one-school, school district located in the rural Sierra Foothills just adjacent to Interstate 80. Originally established in 1895 as Bowman School, the school has continuously served as a focal point for the entire Bowman community.

Geographically, the Bowman area sits on the bluffs above the North Fork of the American River, an area that boomed and expanded during the mid 1800's Gold Rush. It was originally settled as an outgrowth of the region's mining camps, however, the area proved more suitable for raising cattle and growing fruit than for mining gold. Over time, the village of Bowman grew: a country store, a post office, and a spur from the Central Pacific Railroad added to Bowman's popularity. In 1895, Bowman School was established, originally consisting of a one-room school building topped by a wood-shingled bell tower. The school served the growing population of dairy farmers, cattle ranchers, and fruit growers.

Even as modern progress has come to the Bowman area over the past several decades, Bowman School has remained intact, providing a community anchor. Instead of ranchland, the Bowman area is dotted with mini-marts, supermarkets, gas stations, and one-of-a-kind boutiques. Behind the fast-food franchises are residential neighborhoods that date back to the days of the Gold Rush. Spectacular homes with canyon views dot other areas. Freeway traffic moves constantly through the Bowman area as well, carrying visitors, to and from the Sierras. In spite of the area's change and growth over time, long time residents will tell you that the one thing that makes Bowman, Bowman, is the school.

Although tradition is a valued part of Bowman School's roots, during the 2005-2006 school year, Bowman applied for charter status, a move intended to sustain and grow the school district. That year, Bowman Charter School was approved as a hybrid model as well as earning the distinction of California Distinguished School. Both parents and the community responded positively to the opportunity to co-mingle charter students with district students, thus creating a powerful school program dedicated to maintaining family choice and strong enrollment, while meeting the demands of preparing students for future careers and college in the twenty- first century. In 2007, the Ackerman Elementary School District became the ninth charter school district in the state. Subsequently, the Ackerman Charter School District has witnessed an ever-increasing demand for enrollment. Each year, the number of families applying to the Ackerman Charter School District has increased. Over the years, the number of students attending school here has steadily grown, even in the face of area-wide declining enrollment at neighboring districts. As the school has grown, programs, services, and offerings for students have expanded. Test scores have continuously improved, and the use of technology has been widely embraced.

The blending of the past and present is evident as you drive up to Bowman Charter School, ACSD's only campus. You'll notice a combination of both old and new: large, mature oak trees juxtaposed with the school's newer wing which holds both science and

technology labs, as well as classrooms for grades 5-8. The school's original bell, over one hundred years old, hangs in a place of honor near the building's second floor.
The blending of old with new is also reflected in many aspects of the ACSD family and community. The staff consists of both experienced, as well as beginning teachers, who bring diverse perspectives and styles to the teaching and learning profession. The School Board is a balanced combination of experienced with newly elected members. Two Board Trustees have served our District for nearly two decades respectively; one has been continuously connected with Bowman through his parents, self, children and grandchild. This "generational student population" is not unusual, with Bowman-educated parents bringing their own children here. The same traditions these parents experienced as students are now seen through the eyes of their own children. Bowman has continued to build new traditions, which have been embraced by our entire community, such as our annual all-day community learning fair, Chautauqua, where parents, staff, and community members share their expertise and skills with students. At Chautauqua, students can experience activities such as juggling, jewelry making, outdoor cooking, and steer roping.

The following charter petition proposal is indicative of the support expressed by ACSD staff, as well as the Bowman community. It illustrates the constant focus and intent of our staff to prepare their students for college, careers, and life in the 21st century global economy. ACSD strives to provide a rigorous, challenging, educational experience for all of our students, with a focus on promoting deeper learning and understanding of academic content, while emphasizing critical thinking, communication, collaboration, and creativity. This focus is supported by our staff and families through the following indicators:

- 100% of the parents sign the Parent/Student/Charter District Compact
- 100% of the credentialed employees in the district support working in the charter district
- 100% of the classified employees support working in the charter district
- There is a waiting list of over 50 non-resident students requesting attendance in the district
- We are known in our community as a "school of choice."

In 2007, when ACSD first applied for charter status, our goal was to extend not only our unique Bowman culture, but to offer our innovative and effective education programs to a broader range of families and communities. Today, in 2012, our charter-based program has flourished:

- Our API has grown to 864;
- Our Middle School offers a wider range of elective choices including AVID;
- Our Performing Arts program includes three levels of choir, three levels of Band, recorders instruction, and a musical theatre class for middle school students

- Our technology program has grown to include a 30-seat computer lab staffed by a fulltime, credentialed Technology Coordinator;
- Our classrooms have technological improvements such as SMARTBoards, document cameras, Elmos; each classroom has at least five (5) student computers;
- Our more efficient Master Schedule allows for a RtI (Response to Intervention) based approach to best meet the needs of each individual student.

In summary, approving this five-year charter petition allows ACSD to continue to offer our community an outstanding educational experience designed to meet individual student needs, and to prepare our students for college, careers, and beyond. It challenges us to remain adaptive, and to view our programs through the lens of continuous improvement. Being a charter district advocates a clear and encouraging "can-do" spirit to pursue what is best for children.

II. EDUCATIONAL PHILOSOPHY AND PROGRAM

Mission Statement

ACSD's mission is to assist students in becoming academically successful, responsible, confident, and creative by providing a safe, nurturing, and academically challenging environment. To accomplish this mission, ACSD focuses on student outcomes and offers an educational program that promotes academic self-reliance, personal integrity, and a life-long love of learning.

Educational Philosophy

The Ackerman Charter School District parents, staff, and students believe in:

- Fostering a collaborative environment through the use of PLCs (Professional Learning Communities)
- Involving stakeholders, which include parents and the community, in the decision-making process regarding school issues, projects, environment, structure, and curriculum
- Promoting high expectations for student outcomes
- Recognizing that children are individuals with unique needs
- Promoting parental involvement and parental choice as essential elements of a quality educational experience

ACSD believes that learning best occurs when:

- Instructional activities are created to meet CCSS (Common Core State Standards), and are inter-disciplinary.
- Activities are intentionally designed to build student creativity, innovation, critical thinking, problem-solving skills, collaboration, and effective communication.

- Using the PLC model, assessments are used as a diagnostic tool to inform "next steps."
- Curriculum and instruction are rigorous, reflecting a rich and appropriate balance of direct instruction, student engagement, inter-disciplinary reading and writing, and activities that provide real-life context.
- Expectations and accountability are high.
- Parents are involved in the educational process; each parent is required to sign a Family Compact (Attachment D) for each student enrolled in the district.
- Students are given opportunities to make responsible decisions.
- Students are enriched through access to technology, field trips, exposure to the visual and performing arts, and extra curricular activities.

Parents enroll their students at ACSD for:

- Small TK-8 school environment
- High student academic achievement
- Safe place where students are nurtured and supported
- Quality staff
- Well-rounded program including integrated technology, performing arts, visual arts, P.E., competitive athletics, and enrichment opportunities such as parent volunteer led Art Docent, Garden Life Lab for primary grades.
- Intervention and enrichment programs
- School library staffed by a full-time librarian
- Community connections through facilities use (e.g. Scouts, field sports, civic organizations), and school sponsored parent/staff presentations, events, and forums

Educational Program

ACSD's educational program focuses on ensuring that students meet or exceed local benchmarks and state content assessment standards. To facilitate this focus, ACSD has the following programs and strategies in place:

- Students are viewed as individuals with unique learning needs.
- Standards based curriculum is implemented throughout grades TK-8.
- Use of PLC (Professional learning Communities) as a vehicle to identify essential standards, measure student proficiency levels, and determine student mastery of subject matter content.
- School-wide Master Schedules are developed to provide each grade level with consistent intervention/enrichment time periods throughout the regular school day.

- Technology is used to deliver content area material; (e.g. SMART Boards, Elmos, document cameras, student response systems, 30-seat computer Lab, in-class computers)
- Monthly meetings of school Support Staff to identify individual, student-specific needs that could benefit from internal program referrals, such as Friendship Circles, CARE Crew, etc.
- Professional development opportunities for staff in the areas of Datawise (our assessment management system), PLC, the use of the Adaptive Schools model (Dr. Robert Garmston), CCSS, local seminars hosted by the County Office of Education, and other program specific conferences.

Plan for Students Who Are Academically Low Achieving

Through the use of PLC, ACSD has developed and implemented a Response to Intervention model (RtI). This model requires a specific plan for all students that may not have achieved mastery of the standards the first time they are taught in a classroom. The RtI model is fluid and allows targeted students to move in and out of classrooms and groups according to their specific instructional level. Each grade level has a section of time set aside for deployment of resources that supplement the core program. Our RtI model has three tiers and each tier has a more intensive level of support for specific students. Each program and student is monitored closely using data every week to two weeks to ensure that they are moving to grade level proficiency. Along with the academic side of the RtI model, the charter status allows us to meet the behavioral and emotional needs of students through the use of a district certified psychologist.

The district is meeting the needs of academically low achieving students through a variety of intervention programs and instructional strategies. We have a full-time credentialed Title I Teacher who oversees many intervention programs across all grade levels. Students requiring intervention services receive focused instruction in small groups with either credentialed teachers or paraprofessionals. Other intervention programs may include after-school tutoring, tutorial workshops during lunch, AVID, small group differentiated learning centers within the classroom, and/or instruction from a Resource teacher. The Student Study Team (SST) process is used to identify students who need alternative interventions to enhance learning. These students are identified through one or more of the following methods: standardized test scores, instructional software assessment, teacher observation, curriculum-based measurement, academic grades, and/or other school-approved screening criteria.

One of the district's primary goals for the next five years is to continue the narrowing of the achievement gap. This goal will be realized by accelerating the mastery of content standards by students at or below the Basic level of performance.

Students at academic risk will be identified, targeted for additional resources, and tracked for progress through the use of performance indicators. ACSD benchmarks, STAR test results, CELDT tests, DIBELS, and content area exams will form the core of these indicators. We have three data systems that are used for analyzing, storing, and

retrieving immediate as well as longitudinal data (*Datawise*, DIBELS, *Wireless Generation)*.

Student intervention services will include small group classroom-based instruction, additional bonus instruction from specialists (e.g., from Title I or RSP resources), instructional assistants, cross age tutoring, extended day and extended year targeted to the individual student's identified needs. ACSD uses various intuitive software programs as an additional resource to enhance foundational skills.

ACSD recognizes the importance of the home/school connection in implementing academic interventions. It is ACSD's goal that families understand benchmarks for the identified at-risk student as well as the due process before a student is considered for retention.

Plan for Students Who Are Academically High Achieving

Differentiated instruction and self-paced instructional software creates opportunities for all students to be engaged at their ability level. Technology also serves as a means to provide advanced skill development. Through the use of Professional Learning Communities PLC), ACSD answers the question, "How do we respond when students already have learned the content and skills to mastery?" Teachers use projects, collaborative grouping, and enrichment electives, such as computer programming, literature studies, service learning projects, and interactive simulations to continually meet the academically high achiever's needs. ACSD will use extended day and extended year opportunities to further meet these needs (e.g., Kids Challenge, Inc. and Interest Clubs).

Plan for Special Education

ACSD will comply with all applicable provisions of the Individuals with Disabilities Act (IDEA) and other federal laws concerning children with disabilities. ACSD is committed to ensure that each student's special education needs are being met as outlined in a student's Individualized Education Program (IEP), and in accordance with applicable laws. ACSD will work with the district staff to provide Special Education services to pupils and to identify and refer students as needed for such services using a protocol approved by the district. Furthermore, through the Placer County SELPA (Special Education Local Plan Area), the district best ensures that the complete array of programs and services is available to meet the needs of students with identified disabilities.

The process used to identify students for special education services is as follows: Students can be referred by parent and/or teacher or through Student Study Team (SST) meeting. If the student needs to be evaluated for special education services, a formal evaluation, approved by the parent/legal guardian, will be given. All assessments (behavior, health, psychometric, and/or academic) will be performed in accordance to state and federal law.

An Individualized Education Program (IEP) meeting will be held to determine the programs or services a student may need. Each disabled student will be placed in

appropriate programs and provided appropriate services in relation to his or her needs, as set forth in the student's written IEP. The student's progress toward meeting the IEP's goals will be monitored and assessed regularly in accordance with state and federal law.

The RTI instructional process meets that needs of special education students through close analysis of assessment data and responding through targeted intervention. The early literacy intervention model and transitional kindergarten programs insure that special education students are performing at the same level of regular education students.

Plan for English Learners

The district identifies English Learners (EL) through the Home Language Survey. These students are assessed annually using the California English Language Development Test (CELDT). The district's goals for English learners are: (1) to be academically successful in the core curriculum; and (2) to develop proficiency in listening, speaking, reading, and writing in English as measured by the CELDT. Students that are identified as EL are assisted through a variety of instructional strategies and programs that include differentiated instruction, modeling, peer tutoring, and flexible grouping provided by teachers who have CLAD or BCLAD certification, English Language Development (ELD) and/or Specially Designed Academic Instruction in English (SDAIE) certification.

III. Measurable Student Outcomes

ACSD's mission is to assist students in becoming academically successful, responsible, confident, and creative by providing a safe, nurturing, and academically challenging environment. This is accomplished through focusing on the unique academic and social needs of each individual student. Academics are supported through the use of high-quality, research and evidence-based, academic content curriculum. Through high expectations and instructional rigor, ACSD students will become proficient in the core subjects of English Language Arts, Mathematics, Science, and History/Social Science.

Method of Measuring Student Outcomes

As the state moves forward with the full implementation of CCSS (Common Core State Standards) and the Smarter Balance assessment, ACSD strives to:

- Provide instructional staff with professional development opportunities;
- Examine current curriculum for ways to adapt existing materials to the CCSS;
- Intentionally build student creativity, innovation, critical thinking, problem-solving, collaboration, and communication into and across each content area.

ACSD recognizes the importance of preparing students to be successful 21st century learners who are prepared for success in college, career, and the global economy.

ACSD uses appropriate, valid, reliable, and research-based assessment tools. Following the tenets of Professional Learning Communities (PLC), assessment tools are used to evaluate student performance and to provide information regarding suitable "next steps" for each individual student.

Below is a matrix that describes such tools:

Student Performance Assessment Matrix

Curricular Focus	Measurable Student Outcomes	Representative ACSD Assessment Tools
Language Arts	Student progress towards grade level state content standards through grades K-8. Students will develop strong reading, writing, listening, speaking and presentation skills that cross inter-disciplinary subject content areas. Students will demonstrate strong communication skills, whether through writing, oral presentations, or technology.	• Accelerated Reader • STAR Reading (A/R) • BPST • DIBELS • SIPPS • REWARDS • Read Naturally • ESGI • FRY • Slosson • Successmaker • Curriculum embedded assessments • Statewide standardized assessments • Formative and Summative Assessments • Performance based assessments; rubrics
Mathematics	Student progress towards grade level state content standards TK-8. Students will develop abilities to reason logically and to understand and apply mathematical processes and concepts, including those within arithmetic, algebra, geometry, and other mathematical subjects aligned with the state content standards. As part	• Curriculum embedded assessment • Successmaker • Statewide standardized assessments • Formative and Summative Assessments • Performance based assessments; rubrics

	of the inter-disciplinary focus on writing, students will communicate math knowledge through written, oral, or technology-based presentations.	
Science	Student progress towards grade level content standards TK-8 Students will utilize scientific research and inquiry methods, appropriate to grade level, to understand and apply the major concepts underlying various branches of science which may include physics, chemistry, biology, astronomy, and earth sciences. As part of the inter-disciplinary focus on writing, students will communicate science knowledge through written, oral, or technology-based presentations.	• Curriculum embedded assessments • Statewide standardized assessments • Formative and Summative Assessments • Performance based assessment; rubrics

History and Social Studies	Students will develop an understanding of how civic, historical, and geographical knowledge relate to their roles as meaningful citizens in the global community. As part of the inter-disciplinary focus on writing, students will communicate history/social science knowledge through written, oral, or technology-based presentations.	• Statewide standardized assessments • Formative and Summative Assessments • Performance based assessment; rubrics • Curriculum embedded assessments • Constitution test
Visual and Performing Arts	At all grade levels, assessments are based on effort, willingness to take creative risks, and active participation in the artistic process. The process of creating is given priority over the product. As part of the inter-disciplinary focus on writing, students will communicate visual and performing arts knowledge through written, oral, or technology-based presentations. Parent volunteers teach a monthly Art Docent lesson in grades TK-5. Bi-Monthly Sing-a-Longs for grades TK-5. Instrumental and vocal ensembles, Grades 3-8. All-class Gr. 4 recorder and Annual musical productions.	• Performance based assessment; rubrics • Student projects • Student performances
Technology	Students will use technology tools to master California content standards in core curriculum. Students will be proficient in essential computer skills	• Student projects • Teacher observation • Performance based assessment; rubrics

	and applications. As part of the inter-disciplinary focus on writing, students will communicate technology knowledge through written, oral, or technology-based presentations.	
Life Skills	Students will develop life skills which promote collaboration, creativity, innovation, critical thinking, problem solving, and respect for diversity. Activities may include mentoring, student council, teacher assistants, and community service. Programs may include AVID, Second Step, CARE Crew, KPALS, "Why Try?" Program, Friendship Circles, 1st/8th Grade Buddies	• Teacher observation • Performance based assessment • School Discipline Policy
Physical Education	Students will be physically fit, nutritionally aware, and develop healthy habits that will last a lifetime. As part of the inter-disciplinary focus on writing, students will communicate physical education knowledge through written, oral, or technology-based presentations.	• State physical fitness tests • Performance assessments • Teacher observation

- All district students will progress towards achieving the state content standards at a proficient or advanced level as measured by the California Standards Tests in Language Arts and Mathematics at the grade levels determined by the California Department of Education.
  - Targets for percentage of district students achieving above Basic as follows or meets criteria for Safe Harbor:
    - For the 2012-2013 school year:

        - 85% of district students in grades 2 -8 will score proficient or advanced on the ELA portion of the CST
        - 88% of district students in grades 2 -8 will score proficient or advanced on the Math portion of the CST
    - For the 2013-2014 school year:
        - 100% of district students in grades 2 -8 will score proficient or advanced on the ELA portion of the CST
        - 100% of district students in grades 2 -8 will score proficient or advanced on the Math portion of the CST
    - For the 2014-2015 school year:
        - 100% of district students in grades 2 -8 will score proficient or advanced on the ELA portion of the CST as per NCLB or possibly moving toward the new Federal-mandated Common Core Standards
        - 100% of district students in grades 2 -8 will score proficient or advanced on the Math portion of the CST as per NCLB or possibly moving toward the new Federal-mandated Common Core Standards
    - For the 2015-2016 school year:
        - 100% of district students in grades 2 -8 will score proficient or advanced on the ELA portion of the CST as per NCLB or possibly moving toward the new Federal-mandated Common Core Standards
        - 100% of district students in grades 2 -8 will score proficient or advanced on the Math portion of the CST as per NCLB or possibly moving toward the new Federal-mandated Common Core Standards
    - For the 2016-2017 school year:
        - 100% of district students in grades 2 -8 will score proficient or advanced on the ELA portion of the CST as per NCLB or possibly moving toward the new Federal-mandated Common Core Standards
        - 100% of district students in grades 2 -8 will score proficient or advanced on the Math portion of the CST as per NCLB or possibly moving toward the new Federal-mandated Common Core Standards

- English language learners will advance at least one fluency level each year as measured by the CELDT unless at the English proficient level in which they will maintain that level.
    - For the 2012-2013 school year:
        - Overarching Goals for ELL students:
            - The increase in percentage points of students scoring beginning, early intermediate, and intermediate on the CEDLT is 1.25 times the median increase for comparison districts.
            - The increase in percentage points of students scoring Early Advanced and Advanced on the CELDT is 1.25 times the median increase for the comparison districts.
    - For the 2013-2014 school year:
        - Overarching Goals for ELL students:

        - The increase in percentage points of students scoring beginning, early intermediate, and intermediate on the CEDLT is 1.25 times the median increase for comparison districts.
        - The increase in percentage points of students scoring Early Advanced and Advanced on the CELDT is 1.25 times the median increase for the comparison districts.
    - For the 2014-2015 school year:
        - Overarching Goals for ELL students:
            - The increase in percentage points of students scoring beginning, early intermediate, and intermediate on the CEDLT is 1.25 times the median increase for comparison districts.
            - The increase in percentage points of students scoring Early Advanced and Advanced on the CELDT is 1.25 times the median increase for the comparison districts.

    - For the 2015-2016 school year: no established percentages from state
    - For the 2016-2017 school year: no established percentages from state

- All students will attend school daily.
    - For each school year, during the term of this charter petition, district students will achieve a minimum of 98% Average Daily Attendance

<u>Academic Performance Index</u>

The district's plan for achieving API annual growth targets include:

- An annual review of each student's progress
- Annually review school's benchmark assessments to ensure they are correlated with the state content standards
- Establish quarterly benchmark assessment calendar to chart progress of each student's academic achievement
- Continue to provide timely and relevant professional development for all staff members
- Identify all students who score below the proficient level on the CST and provide specific intervention to ensure academic progress
- Purchase standards based curricula and other instructional and supplemental materials, as needed
- Investigate new technology that will strengthen the instructional program
- Continue grade level meetings to ensure continued improvement of the instructional program
  (See the Academic Performance Index Reports (Attachment B) for historical data.)

<u>Use and Reporting of Data</u>

Data on student achievement are collected, analyzed, and reported to school staff and parents through the following measures.

1. Methods of collecting data:
   a. Aeries data management and Datawise to collect data from state assessments, local benchmark assessments, and classroom assessments
   b. Data reports provided by the state as part of STAR
   c. Teacher collected data: performance on daily work, teacher observations, homework, projects and student attendance
   d. Accelerated Reader reports (Renaissance Learning)
2. Forums for analyzing data:
   a. Teacher analysis of collected student data
   b. Grade level meetings
   c. Vertical math and language arts meetings
   d. Parent-teacher conferences
   e. Staff meetings
   f. Intervention teams
   g. Student Study Teams
   h. Administrative leadership meetings
   i. School Site Council
   j. School Board meetings
3. Means of reporting data:
   a. Jupiter Grades, an online grade reporting management system accessible to students and families
   b. Progress Reports
   c. Student STAR Reports
   d. Parent conferences
   e. Media reporting
   f. Board meetings
   g. School Accountability Report Cards
   h. School web site http://www.ackerman.k12.ca.us

IV. Governance Structure

ACSD's governing structure is directed by an elected Board of Trustees, consisting of five (5) members, retaining the existing terms and qualifications. The current process for the Board of Trustees, as governed by state and local statutes will remain in place. The ultimate authority for the governance of the district will remain with the elected Board of Trustees. Policies will continue to be enacted at public board meetings.

The Board of Trustees actively seeks and enthusiastically welcomes parent input on a wide range of topics, from curriculum and instruction, to assessment and accountability,

to school operations, to budget and finance. The following forums are regularly provided for parent input:

- Superintendent/Principal has primary responsibility for implementing district vision, policies, and operation
- School Site Council is composed of parents/community members and staff elected by their peers with the responsibility to:
    - consult with parents and teachers regarding the site's educational program
    - consider parent suggestions and concerns
    - oversee curriculum and services
    - participate in developing annual goals

The ACSD Board's major roles and responsibilities towards ACSD will include establishing and approving all major educational and operational policies, approving all major contracts (including all collective bargaining contracts), approving the district's annual budget and overseeing the district's fiscal affairs, serving as the judicial and appeals body, and selecting and evaluating the Superintendent/Principal. In conjunction with the administrative staff of ACSD, the Board has the responsibility of determining what outside legal and consulting services the district requires and contracting for such services. ACSD has not required, nor anticipates requiring, significant legal services.

Governance Structure of Ackerman School District

The ACSD Superintendent/Principal, Assistant Principal, and teachers at the school will carry out the day-to-day operations of the school. The ACSD Board will set policy, approve the budget, provide fiscal accountability, and assure that the school maintains high academic standards.

Contractors, Volunteers and Parent Committees

Once a child is admitted to the school, his or her family is encouraged to sign up with one of the school's parent committees. Parent committees include Parent Teachers Organization, School Site Council, Technology Advisory Team, and others to be developed.

ACSD is responsible for screening of contractors and volunteers for the protection of students, including fingerprinting and criminal background checks. Registered sex offenders under Penal Code section 290 may not serve as contractors or volunteers on campus or anywhere or at anytime students are present. Contractors and volunteers, working on campus with prolonged student contact, or present with students who will be unsupervised by certificated personnel at any time, must submit to fingerprinting and a criminal background check pursuant to Education Code 45125.

Special Education Governance

ACSD pledges to work to ensure that a free and appropriate education is provided to all students with exceptional needs in accordance with all state and federal laws regarding provision of Special Education services.

V. Human Resources

Each certificated employee at ACSD will meet the state licensing requirements for the position that he/she holds. No state licensing requirements exist for most classified positions. For all positions, certificated and non-certificated, the employee, at minimum, needs to satisfactorily meet the performance specifications required for the position and must possess the qualifications required to perform the essential functions of the position, as determined by the ACSD Board and/or the ACSD Superintendent.

In order to be creative and flexible in providing an optimal learning environment, the district will have policies and procedures for all those who work with children. These policies and procedures will be reflected in the district's hiring practices, evaluation methods, and professional development.

- ***Superintendent/Principal***
  The Superintendent/Principal must hold a valid California administrative services credential. The Superintendent/Principal is employed by and responsible to the Board of Trustees. The Superintendent/Principal shall have a criminal background check performed pursuant to Education Code Section 44830.1 along with all other employee hiring considerations and requirements defined in this document.
- ***Assistant Principal***
  The Assistant Principal must hold a valid California administrative services credential and a valid California teaching or comparable credential along with the experience and skills required to fulfill the responsibilities of the position. The Assistant Principal is employed by the Board of Trustees and is responsible to the Superintendent/Principal. The Assistant Principal shall have a criminal background check performed pursuant to Education Code Section 44830.1 along with all other employee hiring considerations and requirements defined in this document.
- ***Teachers/ Coordinators***
  Classroom teachers and coordinators must hold valid California teaching credentials. All teachers and coordinators are NCLB compliant. They are employed by the Board of Trustees and are responsible to the Superintendent/Principal. Teachers and coordinators shall have a criminal background check performed pursuant to Education Code section 44830.1 along with all other employee hiring considerations and requirements defined in this document.
- ***Confidential/Classified Personnel***
  All Confidential/Classified personnel must meet the qualifications and standards established for employment and are responsible to the Superintendent/Principal. All classified employees shall have a criminal background check performed pursuant to Education Code Section 44830.1 along with all other employee hiring considerations and requirements defined in this document.

The district will ensure teachers and instructional aides meet the "highly qualified" designation as set forth in the No Child Left Behind Act of 2001. In addition, it is expected that all employees of the district have a solid understanding of and commitment to the importance of student success and a commitment to a collaborative partnership.

The district will have the option of entering into agreements with local colleges and universities in order to become a professional development district. These agreements would allow college students in neighboring areas to do observations or student teaching in the district. This would further allow classes to be offered for student teachers and interested staff in the district. Furthermore, instructors in the district would have access to the supervisors of student teachers and to course work leading to their credentials.

In addition to appropriate No Child Left Behind (NCLB) qualifications, the key qualifications of ACSD teachers include:

- The requisite teaching credential and demonstrated expertise within the content area and grade-level taught
- In-depth knowledge of and successful application of current teaching/learning theory to improve the success of children
- Ability to plan instructional units using developmentally appropriate instructional materials and strategies
- Ability to collaboratively plan instructional units with other teachers and specialists
- Willingness to work with parent, student, and community groups
- Belief in and have worked to implement an educational philosophy that supports success for all students
- Enthusiasm for teaching and continued professional growth and development

Instructional Assistant/Teachers Assistant/Aide/Paraprofessional

The key qualifications of instructional assistants, aides and paraprofessionals include:

- High School Diploma or equivalent
- Ability to read, write and speak English and/or Spanish or other native language, depending on placement
- Assist students in reading, spelling, mathematics, and other content areas
- Perform a variety of routine clerical and recordkeeping activities
- Observe activities of children on the playground or in the cafeteria
- Prepare materials used in the classroom
- Explain lessons and activities in English and/or Spanish or other native language, depending on placement
- Qualifications suitable for other specialized duties required by placement

Key Administrative and Support Staff

The school will seek administrative and operational staff that has demonstrated experience or expertise in the issues and work tasks required of them and will be provided professional development opportunities to ensure that they remain abreast of all

relevant changes in laws or other operational requirements. All non-instructional staff will possess experience and expertise appropriate for their position within the schools as outlined in the district's staffing plan and the district's adopted personnel policies. The key qualifications of administrative and support staff are provided below:

Required:

- Possession of a valid First Aid Certificate

Knowledge of:

- public school clerical operations and functions;
- proper office methods and practices including filing systems, receptionist and telephone techniques, and letter and report writing;
- communication skills; general office procedures and correct use of English punctuation, spelling, and grammar.

Ability to:

- demonstrate proficiency in reading, writing, and mathematical skills sufficient to obtain a passing score on a standardized proficiency test;
- analyze situations and take appropriate action in a variety of procedural matters without immediate or direct supervision;
- perform arithmetical calculations with speed and accuracy;
- learn and effectively use computer software programs and related word processing;
- understand and apply successfully a variety of complex directions to specific situations;
- proofread accurately;
- type accurately at a rate required for successful job performance;
- communicate effectively and tactfully in both oral and written forms;
- establish and maintain a variety of record keeping, reference, and data collection systems;
- operate a variety of office equipment such as calculator, transcriber, copy machine, and computer with speed and accuracy;
- prioritize, coordinate, and monitor the work of others in a positive, productive, and timely manner;
- establish and maintain effective work relationships with those contacted in the performance of required duties.

General Requirements, Hiring and Performance Review

Prior to employment and within thirty (30) days of hiring, each employee will submit to a criminal background check as required by Education Code §44237. ACSD will adhere to California laws including fingerprinting, drug testing, and prohibitions regarding the employment of persons who have been convicted of a violent or serious felony. ACSD will comply with the provisions of the No Child Left Behind (NCLB) Act as they apply to certificated personnel and paraprofessionals. Prior to employment, each employee must furnish medical clearance, including proof of medical exam and tuberculosis (TB) testing, as well as documents establishing legal employment status. The ACSD Superintendent/Principal and/or administrative designees will be responsible for monitoring and maintaining documentation of medical and criminal investigation

clearances, as required by California and federal laws. All approved policies and procedures of the ACSD will be used in the employment of ACSD employees.

The ACSD Superintendent/Principal will have the authority to create formal job descriptions for each position, recruit and interview candidates. The ACSD Board has the right, if it so chooses, to review these candidates' credentials before a job offer is made to the candidate. The ACSD Superintendent/Principal will have the responsibility of evaluating the performance of the teaching and administrative staff according to ACSD policies and standards. The ACSD Board will conduct the performance review of the ACSD Superintendent/Principal.

Compensation and Benefits

All new and existing employees will participate in the State Teacher Retirement System (STRS), the Public Employees Retirement System (PERS), and/or Federal Social Security retirement programs, as appropriate. ACSD makes all employer contributions as required by STRS, PERS, and Federal Social Security. The district also makes contributions for workers compensation insurance, unemployment insurance, and any other payroll obligations of an employer. As per conditions put forth in California regulations, all certificated employees participate in STRS. All other district employees participate in PERS and/or Federal Social Security. To ensure and monitor such participation the district maintains a Human Resources Department within which there is an assigned Administrator, Payroll/Employee Services.

Rights of School District Employees

The district acknowledges that no employee can be forced to work for the charter school district; however, since this is the sixth year of the Ackerman Charter School District, it can be stipulated that all current employees have agreed to work under the charter. The charter will continue to pertain to all district staff for the duration of the charter's term. The all-district charter's term will be for five (5) years, unless voluntarily surrendered by the district's Board of Trustees or revoked by action of the State Board of Education and State Superintendent of Public Instruction prior to its expiration. All new employees are informed, before hiring, of the charter status of the district. Once a new employee signs a contract with the district, having been given that information, that employee is deemed to be an employee of Ackerman Charter School District. If the charter is voluntarily surrendered or revoked, all employees will revert to their status as employees of the Ackerman Elementary School District.

In the event of a dispute between the district and any certificated employee, the following internal dispute resolution process shall be implemented:

- Should a dispute arise at the certificated staff level, the Superintendent/Principal or Assistant Principal will meet with the staff member in an informal setting to discuss and resolve the dispute. The informal meeting shall take place within five working days from the day the staff member registers the complaint.

- If the two parties are unable to resolve the dispute, the aggrieved party will put his/her complaint in writing and submit it to the Superintendent/Principal. The Superintendent/Principal will meet with the two parties within five working days from the date he/she receives the written complaint. The Superintendent/Principal will render a decision within five working days. The Superintendent/Principal's decision shall be final.

In the event of a dispute between the district and any classified employee, the following internal dispute resolution process shall be implemented:

- Should a dispute arise at the classified staff level, the Superintendent/Principal or Assistant Principal will meet with the staff member in an informal setting to discuss and resolve the dispute. The informal meeting shall take place within five working days from the day the staff member registers the complaint.
- If the two parties are unable to resolve the dispute, the aggrieved party will put his/her complaint in writing and submit it to the Superintendent/Principal. The Superintendent/Principal will meet with the two parties within five working days from the date he/she receives the written complaint. The Superintendent/Principal will render a decision within five working days. The Superintendent/Principal's decision shall be final.

Employee Protection

ACSD employees will be protected by all rights and guarantees provided by ACSD. The District shall be considered the employer for all employees working for ACSD. Moreover, ACSD shall be deemed to be the public school employer for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of the Government Code.

The ACSD personnel policies and procedures set forth personnel obligations, rights, responsibilities, complaint procedures, discipline procedures, and other pertinent policies essential to preserving a safe and harmonious work environment. The ACSD Superintendent/Principal will resolve complaints and grievances and will administer any personnel discipline, with the assistance of the ACSD board when necessary, in accordance with these policies. Disputes over personnel discipline will be resolved through the personnel policies and procedures.

Labor Relations and Collective Bargaining

ACSD will be considered the exclusive public school employer for the purposes of the Educational Employment Relations Act.

Health and Safety Procedures

The district will maintain policies and procedures conducive to school safety. These policies at a minimum include:

- A requirement that all enrolling students and staff provide records documenting immunizations to the extent required by law, including mandatory tuberculosis screening for staff and volunteers expected to have prolonged contact with students.
- Policies and procedures for school wide training to respond to natural disasters and emergencies, including fires and earthquakes (Disaster Plan).
- Policies relating to preventing contact with blood-borne pathogens.
- A policy requiring that instructional and administrative staff receive training in emergency response, including appropriate "first responder" training or its equivalent.
- Polices relating to the administration of prescription drugs and other medicines.
- A policy that the school will be housed in facilities that have received Fire Marshal approval.
- Policies and procedures for the immediate reporting of suspected child abuse, acts of violence, or other improprieties and the role and obligation of staff in the reporting of child abuse pursuant to CA Penal Code Section 11164.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.
- A requirement that each employee of the school submits to a criminal background check and furnish a criminal record summary as required by Education Code Section 44237. The school will comply with the provisions of the California Education Code, Section 44237.

The district will adhere to the existing state laws regarding fingerprinting, criminal background checks and drug testing of employees. Criminal background checks are required for all employees (credentialed and non-credentialed). All employees will be required to submit a valid negative test for tuberculosis (TB). This will be compliance with Education Code 49406 with periodic testing (every two years) after the initial tuberculosis test (TB).
The district will continue its ongoing policy relating to Health and Safety Procedures, *EC* Section 47605(b)(5)(F): revisions to health and safety procedures which includes the requirement that volunteers and contractors, in addition to employees, will submit a tuberculosis test and periodic testing thereafter.

The district complies with all regulations pertaining to scoliosis, vision, and hearing screening for all students in accordance with 5CCR 11967.5(f)(6)(D). The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented with proof as is regulated by regulations: (1) Diphtheria, (2) Haemophilus influenzae type b, (3) Measles, (4) Mumps, (5) Pertussis (whooping cough), (6) Poliomyelitis, (7) Rubella, (8) Tetanus, (9) Hepatitis B, (10) Varicella (chickenpox), (11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services,

the American Academy of Pediatrics, and the American Academy of Family Physicians in accordance with Health and Safety Codes 120325 and 12035 and in accordance with 5CCR 11967.5(f)(6)(C). The district will adhere to existing board policy pertaining to the safety and health of all employees and students.
The district will maintain policies and procedures conducive to school safety; responses to natural disasters and emergencies; and blood-borne pathogens, as well as appropriate policies related to student behavior and the administration of prescription drugs and other medicines. District nurses and nurse assistants are available to meet the needs in regards to the health and safety of both students and staff.

The district will maintain policies as a drug, alcohol, and tobacco-free workplace.

All information related to the aforementioned policies will be included in parent/student or employee handbooks and will be reviewed on an ongoing basis, as determined by the district and/or the Board of Trustees policies.

The district has a district-wide safety plan entitled, Emergency Operations Plan, which is updated annually.

The facilities will receive an annual inspection by the county fire marshal and a property and liability loss control specialist to assure compliance with established health and safety standards (including Federal ADA). The Food Services facility will be inspected by the county health department.
The district will meet all federal, state, and local requirements for water, friable asbestos, and other toxic materials.
The district will maintain liability and excess liability, as a member of Schools Insurance Group property and casualty program (Sierra Self-Insurance Services). Workers compensation will be provided pursuant to provision of the California Labor Code.

Health and Safety issues will be dealt with in accordance with ACSD Board Policies. These policies will be incorporated as appropriate into the student and staff handbook and reviewed on a regular basis.

Dispute Resolution

The procedures to be followed by the charter district and the entity granting the charter to resolve disputes relating to provisions of the charter, as required by Education Code section 47605(b)(5)(N), include at a minimum that:

(A) Ackerman Charter School District acknowledges that the State Board of Education and Superintendent of Public Instruction are not local education agencies.

(B) Because the State Board of Education and Superintendent of Public Instruction are not local education agencies, they may choose to resolve a dispute directly instead of pursuing the dispute resolution process. If the State Board of Education and Superintendent of Public Instruction intend to resolve a dispute directly instead of pursuing the dispute resolution process, the district must first hold a public hearing to consider arguments for and against the direct resolution of the dispute.

(C) If the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with

Education Code section 47604.5, the matter will be addressed at the State Board of Education's and Superintendent of Public Instruction's discretion in accordance with that provision of law and any regulations pertaining thereto.

(D) The costs of the dispute resolution process, if needed, will be shared by the district and the State Board of Education.

ACSD agrees to work to accomplish all tasks necessary to fully implement this charter. If the State Board of Education and Superintendent of Public Instruction believe they have cause to revoke this charter, they agree to notify the Board of Trustees of the district and grant the district reasonable time to respond to the notice and take appropriate corrective action prior to the revocation of the charter petition. If such an action takes place, ACSD will revert back to Ackerman Elementary School District.

VI. STUDENT ADMISSIONS, ATTENDANCE, AND SUSPENSION/EXPULSION POLICIES

ACSD is nonsectarian in its programs, admissions policies, employment practices, and all other operations. Families who understand and value the school's mission and are committed to the school's instructional and educational philosophy will be encouraged to apply. Pupils will be considered for admission without regard to ethnicity, national origin, gender or disability. The school will strive through recruiting efforts to achieve a racial and ethnic balance of students that reflects the general population within the territorial jurisdiction of the Ackerman Charter School District.

Admission to the district is open to all students within the boundaries of the district. In compliance with EC 47605(d)(2), preference will be given to pupils of the district as well as returning students. Admission is also open for students who reside within Placer County or a county contiguous to the boundaries of the district on an as space allows basis. The requirements for admission shall be:

1. The student has satisfied all state required immunizations
2. Student has not been previously expelled from his/her former school and or district for violations pertaining to health and safety codes
   Out of district attendance requests shall be subject to review by the Superintendent/Principal regarding expulsion/or suspension.
3. Parent signs a family-school agreement indicating they will adhere to the elements of the charter agreement

Family School Agreement

This agreement has two main components: 1) agreement to abide by the academic and behavioral rules of the school. Parents/legal guardians will be asked to sign a family school agreement stating that they understand the academic and behavior policies of ACSD and will support those policies at home and will work to ensure that their children abide by the rules of the school. 2) Family Participation Plan, which outlines the volunteer agreement to complete twenty hours per year of participatory services at the school and for submitting a plan for completion of those hours.

No Admission Testing

Post matriculation, ACSD may hold a grade-level knowledge-based examination, which allows the administrator or testing coordinator to assess the students' readiness for the grade of entrance; however, such assessments will not be used as a means to prohibit or discourage certain students from attending. Post matriculation, various assessments may be administered to further determine readiness or maintenance of the said grade. These instruments aid in the development of individualized learning plans for children. Children who are working below grade level or simply need a little extra help will be asked to attend a voluntary summer program designed to remediate any deficiencies.

Application and Enrollment Process

ACSD will use a district application form. Included with the application form will be information detailing with the educational philosophy, discipline policy, and parent participation plan of ACSD. Parents/legal guardians must sign the application form and will be encouraged to sign the information sheet signifying that they agree to abide by those policies should their child be admitted to the district.
Applications for admission will be made available in January.

Non-Discrimination

ACSD is nonsectarian in its programs, admission policies, employment practices, and all other operations. The district shall not charge tuition and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability.

The Lottery and Priority Admissions

If the number of applications for admission in any grade exceeds the capacity of the school for that grade, except for existing pupils of the district, the spaces in that grade will be filled by lottery. Applicants who are not enrolled in the program will be placed on a numbered waiting list. The lottery will be completed by grade by pulling slips of paper with applicants' names on them out of a container, and the drawing will be held in a public forum. The lottery will be conducted with the following admissions preferences being given.

1. Siblings of students already attending the school
2. Children of ACSD personnel who work in the Ackerman Charter School District
3. All others

After the lottery, families will receive their official enrollment forms and will be informed of the enrollment process detailed above. If the number of applications to a grade does not exceed the number of spaces available in that grade there will be no lottery for that grade, and all students for that grade who submitted qualified applications will be enrolled.

Public School Attendance Alternatives

No student residing within the district shall be required to attend ACSD. The district will ensure that a non-charter public school enrollment option is made available for any student residing in ACSD whose family elects not to have the student attend Bowman

Charter School. The option need only be for enrollment in any non-charter public school, not necessarily a specific non-charter public school that the family may request, pursuant to Education Code Section 46600. (Attachment)

Suspensions and Expulsions

ACSD shall comply with and follow the rules and procedures for suspension and expulsion of charter school pupils as outlined in the Education Code (ED Code Sections 48900 et seq.) and any applicable Board policies of ACSD, if any, for non-charter school students.

The district will maintain student discipline policies. These policies will be printed and distributed as part of the Parent/Student Handbook and will describe the expectations of the district for attendance, mutual respect, substance abuse, violence, safety, and work habits. Each parent and student will be required to verify, by signature, that they have reviewed and understand the policies.

The procedures by which pupils can be suspended or expelled are in accordance with California Education Code Section 47605(b)(5)(J):

The procedures for suspension and expulsion of ACSD's students will comply as closely as feasible with the procedures identified in the California Education Code. The policies and procedures for suspension and expulsion will be periodically reviewed and the list of offenses for which students are subject to suspension and expulsion will be modified as necessary. ACSD will provide notification of any expulsions. ACSD will account for suspended or expelled students in its average daily attendance accounting as provided by law.

In addition, ACSD will comply with all federal laws regarding student discipline for children with disabilities and will stay apprised of any developments in the IDEA legislation. If a student with disabilities has an Individual Education Program (IEP) that includes disciplinary guidelines, the student will be disciplined according to these guidelines. Students whose IEP does not include specific disciplinary guidelines may be disciplined in accordance with the standard district policies listed below.

The following are grounds for suspension and expulsion:

- Physical Injury: Caused, attempted to cause, or threatened to cause physical injury to another person (Ed. Code 48900(a)(1)) <u>or</u> Willfully used force or violence upon the person of another, except in self-defense. (Ed. Code 48900(a)(2)) Notification to police required for students in grades K-12.
- Weapons, Explosives, Dangerous Objects: Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal. (Ed. Code 48900(b)) Notification to police required for students in grades K-12.
- Controlled Substances/Alcohol: Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in

Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind. (Ed. Code 48900(c)) Notification to police required for students in grades K-12.

- Substances in Lieu of Controlled Substances: Unlawfully offered, arranged, or negotiated to sell any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant. (Ed. Code 48900(d)) Notification to police required for students in grades K-12.
- Robbery or Extortion: Committed or attempted to commit robbery or extortion. (Ed. Code 48900(e)) Notification to police required for students in grades K-12.
- Damage to Property: Caused or attempted to cause damage to school property or private property. (Ed. Code 48900(f)) Notification to police required for students in grades K-12.
- Theft of Property: Stole or attempted to steal school property or private property. (Ed. Code 48900(g)) Notification to police required for students in grades 4-12.
- Tobacco: Possessed or used tobacco, or any product containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. (Ed. Code 48900(h))
- Obscenity/Profanity: Committed an obscene act or engaged in habitual profanity or vulgarity. (Ed. Code 48900(i))
- Drug Paraphernalia: Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code. (Ed. Code 48900(j)) Notification to police required for students in grades K-12.
- Disruption/Defiance: Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, or other school personnel engaged in the performance of their duties. (Ed. Code 48900(k)) Notification to police required for students in grades K-12.
- Received Stolen Property: Knowingly received stolen school property or private property. (Ed. Code 48900(l)) Notification to police required for students in grades 4-12.
- Imitation Firearm: Possessed an imitation firearm. (Ed. Code 48900(m)) Notification to police required for students in grades 4-12. (The definition of "Imitation Firearm" is a replica of a firearm that is so substantially similar in physical properties to an existing firearm to lead a reasonable person to conclude that the replica is a firearm. (Ed. Code 48900(m)).

- Sexual Assault/Sexual Battery: Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code. (Ed. Code 48900(n)) Notification to police required for students in grades 4-12. (The definition of sexual assault includes rape, various types of sexual abuse, and lewd and lascivious conduct. (Penal Code 261, 266c, 286, 288, 288a, 289.) The definition of sexual battery is the touching of an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse. (Penal Code 243.4)).
- Harassment of Witness: Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both. (Ed. Code 48900(o))
- Sexual Harassment: Committed sexual harassment. (Ed. Code 48900.2) (The definition of sexual harassment is an act which, upon review of a reasonable person of the same gender as the victim, is determined to be sufficiently severe or pervasive so as to cause negative impact on one's academic performance or to create an intimidating, hostile or offensive educational environment. Notification to police required for students in grades 4-12. The limitations are that the sexual harassment must be unwelcomed by the recipient in order to constitute a violation of Education Code 48900.2, and only students in grades 4-12 are subject to suspension for sexual harassment.
- Hate Violence: Caused, attempted to cause, threatened to cause, or participated in an act of hate violence. (Ed .Code 48900.3) Notification to police required for students in grades K-12. (The definition of hate violence is the use of force or threat of force to intimidate a person in the exercise of a constitutional or statutory right, or damage or destruction of property for the purpose of intimidating or interfering with a person because of that individual's "race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.")
- Intentional Harassment: Created a hostile educational environment (Ed. Code 48900.4) (The definition of intentional harassment is the engaging in harassment, threats or intimidation, directed against a student or group of students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting a classroom, creating substantial disorder, and invading the rights of the students or group of students by creating an intimidating or hostile educational environment).
- Terrorist Threats Against School Officials and/or Property: Committed a terrorist threat against school officials, school property or both (Ed. Code 48900.7) (The definition of a terrorist threat includes any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in: death; great bodily injury to another person, or property damage in excess of one thousand dollars ($1,000.00), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its

face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for: his or her own safety, his or her immediate family's safety, the protection of school property, and/or the personal property of the person threatened or of his or her immediate family.

- Electronic Signaling Device: Possessed electronic signaling device, including cell phones and pagers while on school grounds while attending school sponsored activities or while under the supervision and control of school employees (Ed. Code 48901.5)
- Hazing: Engaged in hazing activities or any act that causes or is likely to cause personal humiliation or disgrace (Ed. Code 32050-32052)
- Vandalism/Malicious Mischief: Defaced, damaged or destroyed any school property including, books, supplies of all kinds, equipment, buildings and grounds. Note: Parents can be held financially liable for damages up to $10,000 and shall also be liable for the amount of any reward not exceeding $10,000 pursuant to Section 53069.5 of the Government Code (Ed. Code 48904).

The following are the procedures in cases where suspension may result:

Step One: The school site administrator/designee investigates the incident and determines whether or not it merits suspension. Searches: In order to investigate an incident, or where there is reasonable suspicion, a student's attire, personal property, vehicle or school property, including books, desks, and school lockers, may be searched by a principal/principal designee who has reasonable suspicion that a student possesses illegal items or illegally obtained items. These may include illegal substances, drug paraphernalia, weapons or other objects or substances that may be injurious to the student or others. Illegally possessed items shall be confiscated and turned over to the police.

Step Two: The school site administrator/designee determines the appropriate length of the suspension (up to five school days). Note: A teacher may suspend a student only from his classroom for the day of the suspension plus the following school day.

Step Three: Unless a student poses a danger to the life, safety, or health of students or school personnel, a suspension will be preceded by an informal conference between the principal/principal designee and student, in which the student shall be informed of the reason for the suspension, the evidence against him, and be given the opportunity to present his defense. At the time of suspension, a school employee will make a reasonable effort to contact the student's parents in person or by telephone. In the event that a teacher suspends a student, the teacher shall ask the parent to attend a parent-teacher conference regarding the suspension as soon as possible.

Step Four: School site administrator/designee fills out a Notice of Suspension Form. The parent will be given written notice of the suspension using this form.

Step Five: School site administrator/designee determines whether the offense warrants a police report. State law requires ACSD to report certain offenses to law enforcement authorities (Ed. Code 48902). If so, the police are called as soon as possible. In addition to the offenses listed under "Grounds for Suspension and Expulsion" that require a police report, school personnel are required, by law, to file a report to the police or a legal agency as follows:

- Prior to suspending a student from school for an assault upon any person with a deadly weapon or by force likely to produce great bodily injury. (Ed. Code 48902)
- A non-accidentally inflicted physical injury upon a minor student by another student which requires medical attention beyond the level of school-applied first aid. (Penal Code 11166)
- A non-accidentally inflicted physical injury by any person upon any minor which requires any medical attention. A report must be made to police or a child protection agency. (Penal Code 11166)
- Actual or suspected sexual abuse or physical abuse of any minor child. A report must be made to a child protection agency. (Penal Code 11166)
- An attack or assault on, or the menacing of, any school employee by a student. (Ed. Code 44014)
- A directly communicated threat by a student or any person to inflict unlawful injury upon the person or property of a school employee to keep the employee from fulfilling any official duty or for having fulfilled any official duty.
- Possession of any controlled substance, drug paraphernalia, alcoholic beverages or intoxicants, including glue containing toluene. Possession of such materials is illegal, and upon confiscation, cannot be retained by school personnel. (Ed. Code 48900(c))
- Acts of school misconduct in violation of court imposed conditions on probation. (Ed. Code 48267)
- Truancy of any student under court ordered mandatory attendance.

Step Six: The school site administrator/designee informs teachers of each student who has engaged in, or been suspected to have been engaged in, any misconduct for which the student can be suspended other than for use and possession of tobacco products. The information must be maintained in confidence and transmitted to teachers and supervisory personnel in confidence for a period of three years after receiving such notification or from the time the student returns to the school (Ed. Code 49079).

Step Seven: The school administrator/designee may require the student and his parent(s) or guardian(s) to sign a contract that states the conditions the student is expected to meet while at the school. Copies of the signed contract are kept by the school site, the student, and parent(s) or guardian(s).

Appeals Process: A student or the student's parents/guardians may appeal those disciplinary actions, other than expulsion, imposed upon a student for his school related offenses. Appeals must be made first in writing at the school level, and should be directed to the Superintendent/Principal or designee. The Superintendent/Principal or designee will attempt to resolve the appeal with a written response within ten (10) school days. After appeal at the school level, if further appeal is desired, the appeal should be made to the ACSD and should be directed to the Superintendent/Principal for resolution with a written response within fifteen (15) school days. After appeal at the District level, if further review is desired, the appeal may be forwarded to the ACSD's Board of Trustees for resolution with a written response within 20 school days. If any appeal is denied, the parent may place a written rebuttal to the action in the student's file.

The following are the procedures in cases regarding expulsion:

Definition: Expulsion is the involuntary removal of a student from all schools and programs of ACSD for an extended period of time for acts of specified misconduct. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to other students. Final action is only taken by vote of the ACSD's Board of Trustees.

In the event that a student is recommended for expulsion from ACSD he is entitled to a hearing and, among other things, advance written notice of the rights and responsibilities enumerated in Education Code section 48918. Written notice of these due process rights shall be provided at least 10 days in advance of the date set for the hearing. (Ed. Code 48918).

Expulsion proceedings for a currently identified Special Education student require additional due process procedures. ACSD will follow all due process procedures for Special Education students included in this document and in the Education Code.

The ACSD Board of Trustees, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. The rehabilitation program to which the pupil is assigned may provide for the involvement of the pupil's parent(s) or guardian(s) in his child's education in ways that are specified in the rehabilitation program. A parent or guardian's refusal to participate in the rehabilitation program shall not be considered in the ACSD Board of Trustees' determination as to whether the pupil has satisfactorily completed the rehabilitation program. (Ed. Code 48917)

Expellable Offenses include:

Category I – Mandatory Expulsion: Under the mandatory provisions of Education Code 48915(c), a student who has committed one or more of the following acts must be recommended for expulsion and the ACSD Board of Trustees must expel the student.

- Possessing, selling or otherwise furnishing a firearm when an APS employee verified firearm possession,

- Brandishing a knife at another person,
- Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, or
- Committing or attempting to commit a sexual assault or committing sexual battery

Category II – Mandatory Recommendation for Expulsion: Under the Under the mandatory provision of Education Code 48915(a), a student who has committed one of the following acts of misconduct must be recommended for expulsion unless particular circumstances render it inappropriate.

- Causing serious physical injury to another person, except in self-defense;
- Possession of any knife, explosive, or other dangerous object of no reasonable use to the student;
- Unlawful possession of any controlled substance listed in Chapter 2 (Commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis;
- Robbery or extortion;
- Assault or battery upon a school employee.

Category III – Expulsion May Be Recommended: In accordance with Education Code 48915 and by direction of the California Board of Education, a student may be considered for expulsion for committing any act not listed in Category I or II and enumerated in Education Code sections 48900, 48900.2, 48900.3, 48900.4, or 48900.7.

Note: The ACSD's Board of Trustees' decision to expel a student for violations included in Categories II and III must be based on a finding of one or both of the following:

1. Other means of correction are not feasible or have repeatedly failed to bring about the proper conduct.
2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others. (Ed. Code 48915(b) and 48915(e).)

Note: If the Administrative Review Panel chooses not to recommend the expulsion of the student, ACSD administration may, at its discretion, impose a lesser form of disciplinary action which may include assigning the student to another school or program. Such transferred students will not be permitted to re-enroll in their former school of assignment. (Ed. Code 48918(e))

Procedures in Cases Requiring the Extension of Suspension and/or Expulsion:

Step One: School site administrator/designee investigates an incident and determines whether the offense results in a suspension. If so, the administrator/administrator designee follows the procedures to suspend the student outlined above.

Step Two: A meeting is held within five school days of the student's suspension to extend the suspension. The student and his/her parent(s) or guardian(s) are invited to attend this meeting with the Superintendent/Principal. School site administrators and/ or teachers may also be present. At this meeting the offense and repercussions are discussed. An extension of the suspension may be granted only if the Superintendent/Principal has determined that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the student has committed an offense that requires a mandatory expulsion recommendation, this is discussed and understood by all parties.

Step Three: A letter from ACSD is sent to the student and parent(s) or guardian(s) regarding the expulsion hearing. This letter notifies the student and parent(s) or guardian(s) when and where the expulsion hearing will take place and the rights of the student with respect to the hearing as provided under Ed. Code 48918. The expulsion hearing must occur within thirty days of the offense, unless the student and parent(s) or guardian(s) request a postponement.

Step Four: The Superintendent/Principal files papers that are available for review by the student and parent(s) or guardian(s). These papers may include, but are not limited to, the following: A record of student attendance and grades; a record of previous infractions; a statement of the facts surrounding the case made by a site administrator/designee; a statement of the facts surrounding the case made by witness(es).

Step Five: The student and his advocate prepare their presentation to the expulsion hearing board and, if necessary, subpoena witnesses. The student's advocate is any person (attorney, or non-attorney) of the student's choice who is willing and able to represent the student at the expulsion hearing.

Step Six: An expulsion hearing is held. The hearing will follow the procedures identified in Ed. Code 48918. This hearing cannot be held within less than ten days from when the letter in Step Three is mailed in order to give the student and his advocate time to prepare for the hearing unless the student and family/guardian waive their rights to ten days' notice. The ACSD Superintendent/Principal will appoint an Administrative Review Panel consisting of three or more certificated persons, none of whom is a member of the ACSD Board of Trustees or employed on the staff of the school in which the pupil is enrolled, to hear the case. A record of the hearing will be made and, if necessary, a translator will be present at the expulsion hearing.

Step Seven: Within three school days after the hearing, the Administrative Review Panel shall determine whether to recommend the expulsion of the pupil to the ACSD Board of Trustees. If the Administrative Review Panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs. The decision not to recommend expulsion shall be final.

Step Eight: If the Administrative Review Panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the ACSD Board of

Trustees. All findings of fact and recommendations shall be based solely on the evidence presented in the hearing.

Step Nine: The ACSD Board of Trustees meets and decides whether or not to approve the Administrative Review Panel's recommendations. If the ACSD Board of Trustees accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the Administrative Review Panel or upon the results of any supplementary hearing conducted pursuant to Ed. Code 48918 that the ACSD Board of Trustees may order. The decision of the ACSD Board of Trustees to expel a pupil shall be based upon substantial evidence relevant to the charges presented at the expulsion hearing or hearings. An alternative school placement for the student will be arranged if the student is expelled for any length of time.

Step Ten: The Administrative Review Panel, or ACSD Board of Trustees may require the student and his parent(s) or guardian(s) to sign a contract that states the conditions that the student must meet in order to remain or be re-admitted to the school. Copies of the signed contract are kept by the school site, the student and parent(s) or guardian(s) and the ACSD's office. The student's compliance with the contract is reviewed periodically by a school administrator/designee.

Steps to Appeal: All decisions to expel are final, but may be appealed to the Placer County Office of Education's Board of Education. The appeal process is enumerated in Education Code Section 48919 and a statement of rights is given in writing to parent(s) or guardian(s) for students that have been expelled.

VII. FINANCIAL PLANNING, REPORTING AND ACCOUNTABILITY

Business Services

The accounting of the district's budgets, revenues, and expenditures are conducted in accordance to the district's Board of Trustees' Policies and Administrative Regulations. The district contracts an independent auditing firm to conduct the annual audit of fiscal and programmatic operations and report finding to the Board of Trustees.

The district complies with state financial reporting regulations by submitting the 1st and 2nd interim report, unaudited actuals, end-of-year projection, and budget report. These reports are submitted to CDE through the county office of education which monitors the fiscal health of the district in accordance with applicable provisions of state law, generally referred to as Assembly Bill 1200 (Chapter 1213, Statutes of 1991).

Audits

ACSD will adhere to the Board of Trustees' Policies and Administrative Regulations, and participate in the board's annual audit of fiscal and program operations.

The Board of Trustees oversees the selection of an independent auditor. The qualifications for an auditor are described in a request for proposal. The scope of the audit is as follows:

- Verifies the accuracy of the district's financial statements, attendance, and enrollment accounting practices, and reviews the district's internal controls.
- The audit is conducted in accordance with generally accepted accounting principals, the standards established by the Government Accounting Standards Board (GASB), and applicable provisions of the current edition of Standards and Procedures for Audits of California K-12 Local Educational Agencies (issued annually).
- As required under applicable federal law, the audit scope is expanded to include items and processes specified in any applicable office of Management and Budget Circulars.
- Completion of the audit should be within six months of the close of the fiscal year and before December 15th.
- Copies of the audit are to be given to the district business manager and are presented to the Board of Trustees at a regularly scheduled board meeting, following which copies are duly filed with state and local agencies as required by law.
- Audit exceptions or deficiencies are reported to the Board of Trustees with recommendations on resolving the exceptions.
- It is the responsibility of the district to resolve exceptions or deficiencies.

Closure Protocol

ACSD has been a public school since 1895. If the charter becomes inoperative, the district reverts to non-charter status. Notice of the change in status will be provided to all interested and concerned parties, including but not limited to, students and their families, employees, the Placer County Office of Education, and the State Board of Education and State Superintendent of Public Instruction (through the California Department of Education). Student records will continue to be maintained on site as usual.

Insurance

The district purchases general liability insurance, workers compensation insurance, and other necessary coverage through carriers approved by the District's Board of Trustees.

Administrative Services

The district is governed by the District's Board of Trustees. The Superintendent/Principal and Business Manager are responsible for managing the district under policies and regulations adopted by the Board of Trustees. Services that are administered include but are not limited to: financial, management, personnel services, payroll, maintenance/operations, transportation, food services, special education, and curriculum and instruction.

Optional Insurance

ACSD reserves the right to secure additional insurance coverage for damage or theft to school, employee or student property, for student accident, or any other type of insurance coverage not listed above.

Transportation

ACSD does not provide home-to-school transportation for district or charter students. Transportation, however, is provided for Special Education students who are enrolled in an out-of-district program according to their Individualized Education Program (IEP).

Retirement Benefits

Qualified District employees will be protected by all rights and guarantees provided by ACSD. Salary, health and welfare benefits, tenure, seniority protections, and retirement benefits, which are contained in the ACSD Policies, the California Education Code, and the Bowman Ackerman Teachers and Staff (BATS) agreements, will apply to all qualified district employees. All eligible employees will participate in either the State Teachers Retirement System or the Public Employees Retirement System, as applicable.

VIII. Impact on the Charter Authorizer

As of June 30, 2012, the Ackerman Charter School District will have operated as an all-charter district for five years. During that period, the district does not believe its charter status per se has resulted in any major workload to the charter authorizer (i.e., the State Superintendent of Public Instruction and State Board of Education, served by the staff of the California Department of Education). The district foresees no increase in the authorizer's workload if the charter is renewed for a second five-year period (i.e., to June 30, 2017).

A key way in which the district assists the authorizer is an annual self-review and evaluation conducted under the auspices of the Board of Trustees. This process includes, but is not limited to, the following areas:

- Program content
- Student progress
- Management
- Budget
- Future plans

Term

With the approval of the Board of Trustees, State Superintendent of Public Instruction, and State Board of Education, the term of the charter shall be 1st of July 2012 through the 30th of June 2017. This Charter may be renewed for one or more subsequent five (5) year

terms upon the mutual agreement of the parties. The charter will be consistently operative during that time unless terminated by the Board of Trustees or revoked by the State Superintendent of Public Instruction and the State Board of Education.

If changes to the approved charter are contemplated, the district will confer with the California Department of Education (as the representative of the charter authorizer) to determine if the proposed changes constitute material revisions. If the changes are material revisions, they must first be approved by a majority of the district's teachers and by the Board of Trustees, and then they must be approved by the State Superintendent of Public Instruction and the State Board of Education.

Attachments

Attachment A: Core Curriculum

Attachment B: Academic Performance Index Reports

Attachment C: District's Organizational Chart

Attachment D: Parent/Student/District Compact

Attachment E: Memorandum of Understanding- Auburn Elementary School District

Attachment F: Financial Condition Certification Letter

Attachment G: Assurances

Attachment H: Measurable Student Outcomes from the 2007-2011 Charter

Attachment I: Status Disaggregated Comparison

Attachment J: Charter Schools Act of 1992

Attachment A:

Core Curriculum

Grade	Reading/Language Arts	Mathematics	Science	Social Science
K	Houghton Mifflin	Saxon	Scott-Foresman	Houghton Mifflin
1st Grade	Houghton Mifflin	Saxon	Scott-Foresman	Houghton Mifflin
2nd Grade	Houghton Mifflin	Saxon	Scott-Foresman	Houghton Mifflin
3rd Grade	Houghton Mifflin	Saxon	Scott-Foresman	Houghton Mifflin
4th Grade	Houghton Mifflin	Saxon	Scott-Foresman	Houghton Mifflin
5th Grade	Houghton Mifflin	Saxon	Scott-Foresman	Houghton Mifflin
6th Grade	Holt	Saxon	Prentice Hall	Houghton Mifflin
7th Grade	Holt	Glencoe McGraw-Hill	Prentice Hall	History Alive!
8th Grade	Holt	Glencoe McGraw-Hill	Prentice Hall	History Alive!

Attachment B:

Academic Performance Index Report

- In the 2006-2007 school year, Bowman Elementary School transitioned into a hybrid model (charter and non-charter). Two years later, Ackerman Elementary School

	2007 Growth	2006 Base	2006-2007 Growth Target	2006-2007 Growth	School Wide	Comparable Improvement (CI)	Both School Wide and CI
Ackerman Elementary School District	829	826	D	3			
Bowman Charter	830	831*	A	-1	Yes	Yes	Yes
Bowman Elementary	826	830	A	-4	Yes	No	No

District converted to become a whole charter district. The chart below shows the hybrid school broken down into its two components.

- The chart below shows Ackerman Elementary School District as a whole charter

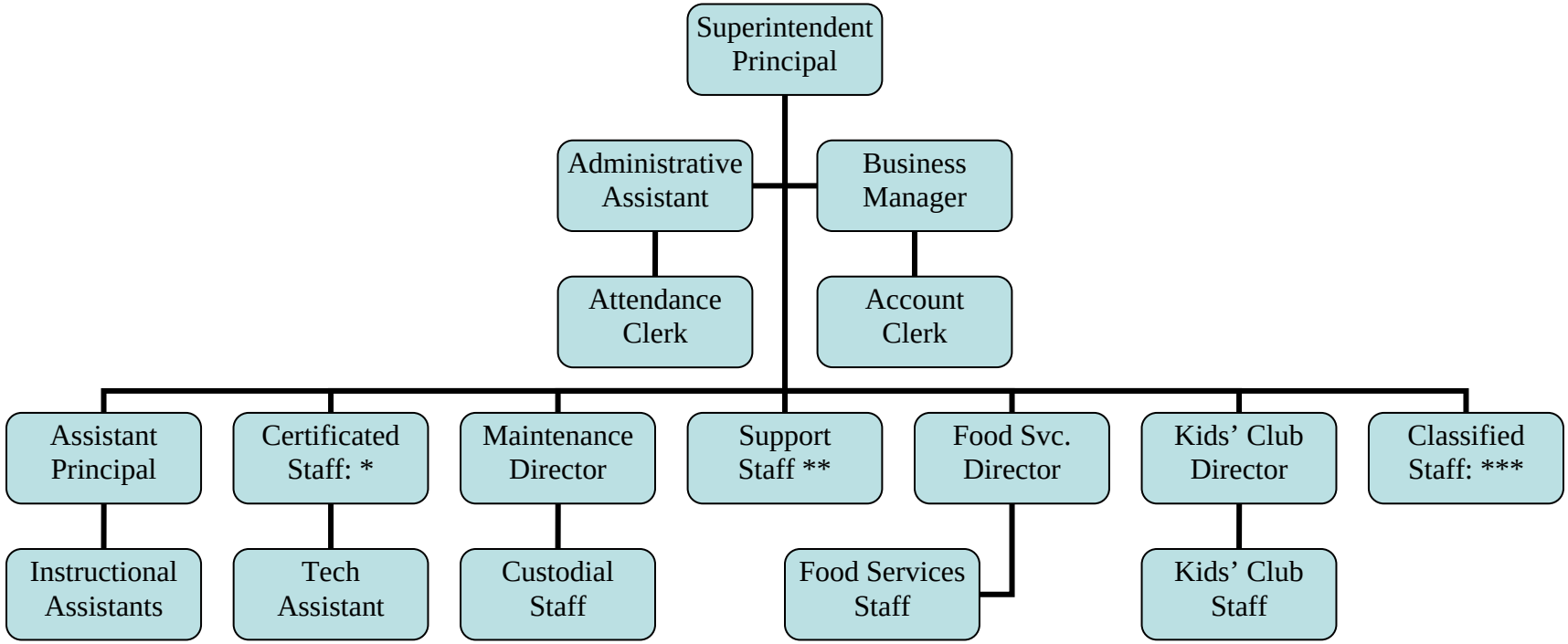
	2011Growth	2010 Base	2010-2011 Growth Target	2010-2011 Growth	School Wide	All Subgroups	Both School Wide and Subgroups
Ackerman Charter School District (Bowman Charter School)	864	846	D	18	Yes	Yes	Yes

district.

Attachment C:

District Organizational Chart

The Superintendent/Principal reports to the Ackerman Charter District Board of Education.



* Certificated Staff consists of General Education Teachers and the Technology Coordinator.

** Support Staff consists of School Psychologist, Speech and Language Therapist, Occupational Therapist, Special Day Class Teacher, Resource Teacher, Title I Teacher, and Nurse.

*** Classified Staff consists of the School Librarian and non-certificated Electives Providers.

Attachment D:

Parent/Student/District Compact

Bowman Charter School
Family School Agreement
2011-2012

We, the parents of _____,
understand the academic and behavior expectations of the Bowman Charter School and will support those expectations at home, and will work to ensure that our children abide by the rules of the school.

1. Students will arrive on time and depart in a timely fashion.
2. Students will follow guidelines for excused absences, student illness or doctor appointments. Regular attendance is required.
3. The student will be responsible for all school and/or classroom curriculum assignments and strive to attain his/her highest scholastic performance level.
4. The parent/guardian and student will be responsible for maintaining communication with the school and the child's teacher.
5. The student will be a contributing member of the class and school and exhibit positive behavior.
6. I shall devote 20 hours of volunteer service annually for the benefit of the school.
7. My child shall have no offenses which violate the California Education Code of Conduct sections 48900 or 48915.

The undersigned understands and agrees to the conditions of the Family School Agreement.

_____ _____
Parent/Guardian Signature Date

_____ _____
Student Signature Date

Attachment E:

Memorandum of Understanding –Auburn Unified School District

AUBURN UNION SCHOOL DISTRICT

Michele Schuetz
District Superintendent

255 EPPERLE LANE

PHONE (530) 885-7242
AUBURN, CALIFORNIA 95603-3745
FAX (530) 885-5170

November 22, 2011

Gary Yee
Ackerman School District
13777 Bowman Road
Auburn, California 95603

Dear Mr. Yee,

In the event that residents within the attendance area of the Ackerman School District choose not to have their children attend the Bowman Charter School, they may enroll their children in the Auburn Union School District. The Auburn Union School District agrees to permit the children to enroll as long as:

1) The Auburn Union school District is not impacted at that grade level .
2) The students are in compliance with the Auburn Union School District's inter-district transfer requirements.

Sincerely,

Michele Schuetz

Michele Schuetz, Superintendent
Auburn Union School District

Appendix F

Financial Condition Certification Letter

PCOE
GOLD IN EDUCATION

Gayle Garbolino-Mojica
County Superintendent of Schools

Board of Education
Mr. Stanford G. Hirata
Area 1
Mr. Robert Tomasini
Area 1
Ms. Suzanne Jones
Area 2
Mr. Scott Gnile
Area 3
Ms. Pam Robie Hart
Area 4
Mr. E. Ken Tokutomi
Area 4
Mrs. Lynn M. Oliver
Area 5

Superintendent's Cabinet
Keith J. Bray
Chief of Staff/General Counsel
Jerry Johnson
Associate Superintendent Business Services
Renee Regacho-Anaclerio, Ed. D.
Associate Superintendent Educational Services
Phillip J. Williams
Assistant Superintendent Special Education
James L. Anderberg
Executive Director Administrative Services
Catherine Goins
Executive Director Early Childhood Education
Ward H. Andrus, Ed. D.
Executive Director Educational Innovation & Career Development
Mary Ann Garcia
Executive Director Human Resources

January 5, 2012

Beth Hunkapiller, Director
California Department of Education
Charter Schools Division
1430 N Street
Sacramento, CA 95814

Dear Ms. Hunkapiller:

This letter is to express the Placer County Office of Education's support for the charter renewal of the Ackerman Charter School District (ACSD).

Education Code Section 47607 states that commencing on January 1, 2005, or after a charter school has been in operation for four years, whichever is later; a charter school's charter may not be renewed unless specific performance standards have been met.

The ACSD has met the statewide performance standards goal with 864 on its Academic Performance Index (API) scores.

In addition to achieving a high academic standard, the ACSD has enjoyed a history of strong fiscal management. The Charter has received "Positive" certifications for each of its Interim Reports since its approval in 2007. The Charter's 2011-12 First Interim Report shows 31% total available reserves in the current fiscal year and projects available reserves of 30.5% and 25.0% for the two subsequent years.

Based upon the County Superintendent of Schools' review of the Charter's financial reports in accordance with State Criteria and Standards as prescribed by AB 1200 and subsequent legislation, the Ackerman Charter School District can meet its required fiscal responsibilities.

Yours in education,

Gayle Garbolino-Mojica
County Superintendent of Schools

GGM/ma
c: Gary Yee, Superintendent, ACSD

Placer County Office of Education 360 Nevada Street, Auburn, CA 95603
P 530.889.8020 • F 530.888.1367 • www.placercoe.k12.ca.us
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Attachment G:

Assurances

This form is intended to be signed by a duly authorized representative of the applicant and submitted with the Full Application.

As the authorized representative of the applicant, I hereby certify that the information submitted in this application for a charter for Ackerman Charter School District is true to the best of my knowledge and belief. I understand that, if awarded a renewal charter, the school district:

1. Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code §60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. *[Ref. California Education Code §47605(c)(1)]*
2. Will be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Act (Chapter 10.7 (commencing with §3540) of Division 4 of Title 4 of Title 1 of the Government Code. *[Ref. California Education Code §47605(b)(5)(O)]*
3. Will be nonsectarian in its programs, admissions policies, employment practices, and all other operations. *[Ref. California Education Code §47605(d)(1)]*
4. Will not charge tuition. *[Ref. California Education Code §47605(d)(1)]*
5. Will admit all students who wish to attend the school, and who submit a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case each applicant will be given equal chance of admission through a random lottery process. *[Ref. California Education Code §47605(d)(2)(B)]*
6. Will not discriminate against any student on the basis of ethnic background, national origin, gender, or disability. *[Ref. California Education Code §47605(d)(1)]*
7. Will adhere to all provisions of federal law relating to students with disabilities, including the IDEA, Section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, that are applicable to it.
8. Will meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. *[Ref. Criteria for Review, §11967.5.1(f)(5)]*
9. Will ensure that teachers in the school hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. *[Ref. California Education Code §47605(l)]*
10. Will at all times maintain all necessary and appropriate insurance coverage.
11. Will follow any and all other federal, state, and local laws and regulations that pertain to the applicant or the operation of the charter school district.

_____ _____

Gary C. Yee, Superintendent/Principal *Date*

Attachment H:

Measurable Student Outcomes from 2007-2011 Charter:

- All students will progress towards achieving the state content standards at a proficient or advanced level as measured by the California Standards Tests in Language Arts, Mathematics, Science and Social Studies at the grade levels determined by the California Department of Education.

2007- Percent of Students Above Basic- District API 829

Grade	Language Arts	Math	Science	General Math	Algebra 1	History
2	38	53				
3	57	70				
4	68	80				
5	56	71	61			
6	63	67				
7	62	64				
8	62		65	7	27	71

Grade	Language Arts	Math	Science	General Math	Algebra 1	History
2	58	64				
3	53	76				
4	83	93				
5	76	71	76			
6	63	58				
7	87	75				
8	60		74	0	40	67

compared to:

2011- Percent of Students Above Basic- District API 864

- At ACSD, English Learners account for 2% of our total student population. The goal for our English Learners is to be successful in the academic core curriculum and gain English fluency in the areas of Listening, Speaking, Reading, and Writing as measured by the Annual CELDT. The chart below shows the actual number of

Year	N = # of students	Beginning	Early Intermediate	Intermediate	Early Advanced	Advanced
2008	8	25%	0%	63%	13%	0%
2009	9	0%	11%	44%	44%	0%
2010	11	0%	9%	36%	55%	0%
2011	13	0%	8%	31%	62%	0%

English Learners' CELDT levels during the previous Charter period.

CELDT Data During Charter Period

- All students will attend school daily and complete daily assigned work. The table below shows ACSD's annual daily attendance (ADA).

2006-2007 District ADA	95.2%
2007-2008 District ADA	96%
2008-2009 District ADA	95.9%
2009-2010 District ADA	95%
2010-2011 District ADA	95.8%

Attachment I :

Status Disaggregation Comparison

Data from http://quickfacts.census.gov/

Ethnicity	ACSD	City of Auburn	Placer County	Nevada County
Am. Indian/ Alaskan Native	1.1%	1%	.9%	.1%
Asian	1.5%	1.8%	5.9%	1.2%
Black	.5%	.8%	1.4%	.4%
Hispanic	6.5%	10%	12.8%	8.5%
Native Hawaiian/ Other Pacific Islander	.1%	.1%	.2%	.1%
Multiple	2.3%	4.4%	4.3%	3.2%
White	93%	83.4%	83.5%	91.4%

Attachment J:

CHARTER SCHOOL ACT

In enacting the Charter Schools Act of 1992, the Legislature's intent is to provide opportunities for teachers, parents, students, and community members to establish and maintain schools that operate independently from the existing school district structure. This creates a method to accomplish the following:

a) Improve student learning;

b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving;

c) Encourage the use of different and innovative teaching methods;

d) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

e) Provide parents and students with expanded choice in the types of educational opportunities that are available within the public system;

f) Hold the schools established under this part accountable for meeting measurable students outcomes, and to provide the schools with a method to change from rule-based to performance-based accountability systems; and to

g) Provide vigorous competition within the public school system to stimulate continual improvements in all public schools.

LEGAL AFFIRMATIONS

The Ackerman Charter School District (ACSD) will be non-sectarian in its programs, admissions policies, employment practices, and all other operations. ACSD will not charge tuition, and will not discriminate on the basis of gender, race, color, religion, ancestry, ethnicity, national origin, marital or parental status, disability, or sexual orientation.

During its operations, the Ackerman Charter School District will comply with applicable public agency, state and federal laws, and regulations, and codes.

Ackerman Charter School District
GARY YEE
SUPERINTENDENT/PRINCIPAL

Bowman School
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www.ackermank12.ca.us

BOARD OF TRUSTEES
ELLEN AOKI
MICHAEL BELLES
CHARLES MILES
ELIZABETH SCHROCK
DAVID SLANE

BOARD OF TRUSTEES
AGENDA
SPECIAL MEETING
February 17, 2012 – LIBRARY
5:30 PM Special Session

NOS. ITEMS

1.0 PLEDGE OF ALLEGIANCE

2.0 CALL TO ORDER AND ROLL CALL

3.0 AUDIENCE TO VISITORS – This is the time in which anyone in the audience may address the Board on any item that is not on the agenda. Three (3) minutes per person. (Ed Cod 54954.3)

4.0 NEW BUSINESS

4.1 **Revised Ackerman CSD Charter Renewal Application for 2012-2017** **(Action)**
The Board will consider approval of the proposed revised Ackerman CSD Charter Renewal Application for 2012-2017

In compliance with the Americans with Disabilities Act, Ackerman Charter School District encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact our office at 530-885-1974 well in advance of the regular meeting you wish to attend so that we may make ever reasonable effort to accommodate you, including auxiliary aides or services. Documents distributed for public session items, less that 72 hours prior to the meeting, are available for public inspection at the district office, 13777 Bowman Road, Auburn CA.

Ackerman Charter District
Board of Trustees Meeting Minutes
February 17, 2012
5:30 p.m. Special Session

1.0 PLEDGE OF ALLEGIANCE

2.0 CALL TO ORDER
President, Charles Miles called the board meeting of Ackerman Charter District to order at 5:30 p.m. on Friday, February 17, 2012, at Bowman School, 13777 Bowman Road, Auburn, California.

MEMBERS PRESENT
Mike Belles, Ellen Aoki, Charles Miles, David Slane, Elizabeth Schrock.

MEMBERS ABSENT

STAFF PRESENT
Gary Yee

GUESTS: None

3.0 AUDIENCE TO VISITORS

4.0 NEW BUSINESS

4.1 Revised Ackerman CSD Charter Renewal Application for 2012-2017
Motion was made by Ellen Aoki and seconded by Elizabeth Schrock with members voting aye to approve the proposed revised Ackerman CSD Charter Renewal Application for 2012-2017

5.0 REGULAR SESSION/ADJOURNMENT
With no further business to be discussed the Special Session was adjourned at 5:40 p.m.

Respectfully Submitted,

Gary C. Yee
Recording Secretary

Charles Miles, President

Approved: 02-17-12

Attachment G:

Assurances

This form is intended to be signed by a duly authorized representative of the applicant and submitted with the Full Application.

As the authorized representative of the applicant, I hereby certify that the information submitted in this application for a charter for Ackerman Charter School District is true to the best of my knowledge and belief. I understand that, if awarded a renewal charter, the school district:

1. Will meet all statewide standards and conduct the student assessments required, pursuant to Education Code §60605, and any other statewide standards authorized in statute, or student assessments applicable to students in non-charter public schools. *[Ref. California Education Code §47605(c)(1)]*
2. Will be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Act (Chapter 10.7 (commencing with §3540) of Division 4 of Title 4 of Title 1 of the Government Code. *[Ref. California Education Code §47605(b)(5)(O)]*
3. Will be nonsectarian in its programs, admissions policies, employment practices, and all other operations. *[Ref. California Education Code §47605(d)(1)]*
4. Will not charge tuition. *[Ref. California Education Code §47605(d)(1)]*
5. Will admit all students who wish to attend the school, and who submit a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case each applicant will be given equal chance of admission through a random lottery process. *[Ref. California Education Code §47605(d)(2)(B)]*
6. Will not discriminate against any student on the basis of ethnic background, national origin, gender, or disability. *[Ref. California Education Code §47605(d)(1)]*
7. Will adhere to all provisions of federal law relating to students with disabilities, including the IDEA, Section 504 of the Rehabilitation Act of 1974, and Title II of the Americans with Disabilities Act of 1990, that are applicable to it.
8. Will meet all requirements for employment set forth in applicable provisions of law, including, but not limited to credentials, as necessary. *[Ref. Criteria for Review, §11967.5.1(f)(5)]*
9. Will ensure that teachers in the school hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools are required to hold. As allowed by statute, flexibility will be given to non-core, non-college preparatory teachers. *[Ref. California Education Code §47605(l)]*
10. Will at all times maintain all necessary and appropriate insurance coverage.
11. Will follow any and all other federal, state, and local laws and regulations that pertain to the applicant or the operation of the charter school district.

Gary C. Yee

Gary C. Yee, Superintendent/Principal

02-06-12

Date

ITEM #12

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Standardized Testing and Reporting Program: Approval of Standards-based Tests in Spanish Proposed Performance Standards Setting for Reading Language Arts in Grades Eight, Nine, Ten, Eleven, and Math, Algebra I and Geometry, and to Conduct the Regional Public Hearings.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) Section 60605 requires the State Board of Education (SBE) to adopt statewide performance standards (levels) in the core curriculum areas of reading, writing, mathematics, history- social science, and science and to conduct regional public hearings prior to the adoption of the performance standards (levels).

In March 2012, proposed performance standards (levels) were presented to and approved by the SBE. In April 2012, a typographical error was discovered, in that the recommended cut score for the Geometry performance standard of proficient was listed as 37. The correct recommended cut score for the Geometry performance standard of proficient is 34. While the cut score was in error, the impact data were correct. Corrected information is presented in Attachment 1.

In November 2011, Educational Testing Service (ETS) conducted a performance standards (levels) setting for the Standards-based Tests in Spanish (STS) for Reading/ Language Arts (RLA) in grades eight through eleven and Algebra I and Geometry. This agenda item requests approval of the proposed performance standards (levels) and to conduct the regional public hearings on the proposed performance standards (levels).

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the State Superintendent of Public Instruction's (SSPI's) proposed performance standards (levels) for the Standards-based Tests in Spanish for RLA in grades eight through eleven, and for STS Algebra I and Geometry.

The CDE also recommends that the SBE direct CDE and SBE staff to conduct regional public hearings on the proposed performance standards (levels) for the STS for RLA in grades eight through eleven, and for STS Algebra I and Geometry to be brought to the

RECOMMENDATION (cont.)

SBE in July 2012 for adoption; in compliance with California *EC* Section 60605, which requires the SBE to adopt statewide performance standards (levels).

BRIEF HISTORY OF KEY ISSUES

California *EC* Section 60605 requires the SBE to adopt statewide performance standards (levels) in the core curriculum areas of reading, writing, mathematics, history-social science, and science and to conduct regional public hearings prior to the adoption of the performance standards (levels). The STS is currently not included in the federal or state accountability systems.

The performance standard setting process is used to determine the depth and breadth of understanding of the content standards a student must achieve at each of the five performance levels: advanced, proficient, basic, below basic, and far below basic.

One of the most widely used approaches to standard setting in large scale assessments is the Bookmark Method. The Bookmark Method is an item mapping procedure in which panelists consider content covered by items in a specially constructed book where items are ordered from easiest to hardest based on operational performance data from the a prior administration. Panelists enter markers (or bookmarks) indicating their judgment on the placement of cut scores. These judgments were guided by the SBE-adopted policy definitions to help the development of the performance levels. In California, the Bookmark Method has been used in standard setting for the following tests:

- California Modified Assessment (CMA) for English Language Arts (ELA) in grades three through nine
- CMA for mathematics in grades three through seven
- CMA for science in grades five and eight
- CMA for life science in grade ten
- CMA for Algebra I
- STS for RLA in grades two through seven
- STS for mathematics in grades two through seven
- California Standards Tests (CSTs) for science in grades five and eight
- CST for life science in grade ten
- CST for earth science
- CST for chemistry
- CST for physics
- CST for biology

BRIEF HISTORY OF KEY ISSUES (CONT.)

- CST for integrated/coordinated science 1–4
- CST for history-social science
- CST for world history
- CST for United States history
- California High School Exit Examination
- California English Language Development Test

The STS performance standard setting group for RLA and mathematics met on November 1-4, 2011. The SSPI's recommendations for the proposed performance standards (levels) for the STS are provided in Attachment 1. The standard setting panel's recommendations for the proposed performance standards (levels) are provided in Attachment 2.

The SSPI's recommendations, based on the analyses conducted by the CDE and ETS, differ from the standard setting panel's recommendations. Every test has an error of measurement and every standard setting has what could be termed "error of judgment." "Error", in this context, refers to random fluctuations that cannot be completely controlled regardless of the quality of the test or the quality of the standard setting process. Such error can be reduced through good measurement and standard setting techniques, but can never be reduced to zero.

The SSPI recommends that the cut scores, at some levels, be changed by one or two standard error of measurements (SEMs). One SEM is equal to approximately three score points. For this standard setting, the SSPI recommends, in most cases, that the cut scores be decreased by one or two SEMs. The only exceptions would apply to RLA grade ten, Algebra I, and Geometry. If the standard setting panel's recommendations were adopted, nearly 38 percent of the students for RLA grade ten, 49 percent of the students for Algebra I, and 45 percent of the students in Geometry would be below basic. The SSPI recommends for RLA grade ten, Algebra I, and Geometry that the cut scores for basic be adjusted by more than two SEMs.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the May 2009 meeting, the SBE adopted performance standards (levels) for the STS for RLA and mathematics in grades two, three, and four.

At the May 2010 meeting, the SBE adopted performance standards (levels) for the STS for RLA and mathematics in grades five through eight; mathematics in grades six and seven; and science in grade eight.

FISCAL ANALYSIS (AS APPROPRIATE)

All costs associated with these activities are included in the current Standardized Testing and Reporting Program contract.

ATTACHMENT(S)

Attachment 1: State Superintendent of Public Instruction's Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish (2 pages)

Attachment 2: Standard Setting Panel's Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish (2 pages)

State Superintendent of Public Instruction's Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish
for Reading language arts (grades 8, 9, 10 and 11), spring 2011 administration and thereafter

Grade Level	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above
8	6.8	**<23**	100	26.5	**23**	93.2	32.4	**36**	66.7	23.7	**49**	34.3	10.6	**60**	10.6
	Range 0 – 22			Range 23 – 35			Range 36 – 48			Range 49 – 59			Range 60 – 75		
9	8.1	**<23**	100	25.4	**23**	91.9	33.2	**36**	66.5	23.7	**49**	33.3	9.6	**59**	9.6
	Range 0 – 22			Range 23 – 35			Range 36 – 48			Range 49 – 58			Range 59 – 75		
10	5.7	**<23**	100	25.7	**23**	94.3	33.0	**37**	68.6	25.0	**49**	35.6	10.6	**58**	10.6
	Range 0 – 22			Range 23 – 36			Range 37 – 48			Range 49 – 57			Range 59 – 75		
11	6.7	**<23**	100	26.3	**23**	93.3	33.8	**37**	67.0	24.4	**48**	33.1	8.7	**57**	8.7
	Range 0 – 22			Range 23 – 36			Range 37 – 47			Range 48 – 56			Range 57 – 75		

Percent of students	Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.
Raw cut score	Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.
Percent at or above	Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Reading language arts (grades eight through eleven) has 75 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 23 would be designated as far below basic. (2) Raw scores of at least 60 in grade 8 would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.

State Superintendent of Public Instruction's Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish
for Algebra I and Geometry, spring 2011 administration and thereafter

Grade Level	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above
ALG	28.6	**<19**	100	30.3	**19**	71.4	28.9	**25**	41.0	9.7	**36**	12.1	2.4	**46**	2.4
	Range 0 – 18			Range 19 – 24			Range 25 – 35			Range 36 – 45			Range 46 – 65		
GEO	15.5	**<19**	100	30.5	**19**	84.5	28.3	**26**	54.1	19.2	**34**	25.8	6.6	**46**	6.6
	Range 0 – 18			Range 19 – 25			Range 26 – 33			Range 34 – 45			Range 46 – 65		

Percent of students	Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.
Raw cut score	Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.
Percent at or above	Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Algebra I and Geometry has 65 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 19 would be designated as far below basic. (2) Raw scores of at least 46 in Algebra I would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.

Standard Setting Panel's Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish
for Reading language arts (grades 8, 9, 10 and 11), spring 2011 administration and thereafter

Grade Level	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above
8	6.8	**<23**	100	20.5	**23**	82.4	38.4	**33**	61.9	12.9	**49**	23.5	21.4	**55**	21.4
	Range 0 – 22			Range 23 – 32			Range 33 – 48			Range 49 – 54			Range 55 – 75		
9	8.1	**<23**	100	14.6	**23**	83.3	33.9	**31**	68.7	25.2	**45**	34.8	18.2	**55**	18.2
	Range 0 – 22			Range 23 – 30			Range 31 – 44			Range 45 – 54			Range 55 – 75		
10	5.7	**<23**	100	37.8	**23**	99.5	32.1	**42**	61.7	19.0	**53**	29.6	5.4	**61**	5.4
	Range 0 – 22			Range 23 – 41			Range 42 – 52			Range 53 – 60			Range 61 – 75		
11	6.7	**<23**	100	31.5	**23**	95.2	36.0	**39**	63.8	19.1	**50**	27.8	6.7	**58**	6.7
	Range 0 – 22			Range 23 – 38			Range 39 – 49			Range 50 – 57			Range 58 – 75		

Percent of students	Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.
Raw cut score	Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.
Percent at or above	Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Reading language arts (grades eight through eleven) has 75 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 23 would be designated as far below basic. (2) Raw scores of at least 55 in grade 8 would be designated as advanced.

**For* future administrations, raw cut scores will be expressed in the corresponding scale scores.

Standard Setting Panel's Recommendations for the Proposed Performance Standards (Levels) for the Standards-based Tests in Spanish

To be used in reporting the results of the Standards-based Tests in Spanish for Algebra I and Geometry, spring 2011 administration and thereafter

Grade Level	Far Below Basic			Below Basic			Basic			Proficient			Advanced		
	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above	% Students	Raw Cut Score*	% at or above
ALG	28.6	**<19**	100	49.4	**19**	73.0	17.2	**31**	23.7	4.1	**42**	6.5	.7	**51**	.7
	Range 0 – 18			Range 19 – 30			Range 31 – 41			Range 42 – 50			Range 51 – 65		
GEO	15.5	**<19**	100	45.2	**19**	87.7	20.1	**29**	42.5	15.7	**37**	22.4	3.4	**50**	3.4
	Range 0 – 18			Range 19 – 28			Range 29 – 36			Range 37 – 49			Range 50 – 65		

Percent of students	Percent of students statewide who would be placed at this performance standard (level) on the basis of the results of the 2011 administration.
Raw cut score	Minimum raw score needed to achieve this performance standard (level) on the 2011 administration of tests.
Percent at or above	Percent of students statewide who would be at or above this performance standard (level) on the basis of the results of the 2011 administration.

NOTE: The Standards-based Tests in Spanish for Algebra I and Geometry has 65 test items.

EXAMPLES OF HOW TO READ THIS CHART: (1) Students with a raw score of less than 19 would be designated as far below basic. (2) Raw scores of at least 51 in Algebra I would be designated as advanced.

*For future administrations, raw cut scores will be expressed in the corresponding scale scores.

ITEM #W-01

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **New Jerusalem Elementary School District** for a renewal for Delta Charter School to waive *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school. Waiver Number: 145-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The New Jerusalem Elementary School District (ESD) already has an approved multi-track waiver for the Delta Charter School for 2011–12. Approval of this one year waiver for 2012–13 will make it permanent. California Education Code Section 33051(b) will apply and the district will not need to reapply annually if the information contained in the request remains current. The California Department of Education (CDE) recommends approval of this waiver for New Jerusalem ESD (145-2-2012) with the following conditions:

1. The charter school will operate up to five tracks; each will offer a minimum of 175 days and required number of minutes.

2. For each track, each charter school will offer the minimum annual instructional minutes as specified by California *Education Code (EC)* Section 47612.5.

3. No track will have fewer than 55 percent of its school days completed prior to April 15.

4. Average daily attendance (ADA) will be calculated separately for each track by the method set forth in California *Code of Regulations*, Title 5 (5 *CCR)*, Section 11960, and then the resulting attendance figures will be totaled.

5. For each pupil attending more than one track over the course of the fiscal year, including intersessions, attendance must be calculated individually by pupil. In that event, the charter school is directed to work with the CDE to determine the appropriate method for configuring individual student's ADA to ensure that each student does not generate more than one ADA.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

6. The waiver is approved for the 2012–13 fiscal year. Because the Delta Charter School has a multi-track waiver for 2011–12 fiscal year, approval of this waiver will be permanent as long as the information in the waiver request remains current.

At its July 2000 meeting, the State Board of Education (SBE) approved SBE's Policy #00-05 Charter School ADA: Alternative Calculation Method, available at: http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc, which applies to this waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past 11 years.

The SBE approved a similar request for this school at its January 2012 meeting.

SUMMARY OF KEY ISSUES

Section 11960(a) of 5 *CCR* defines regular ADA in a charter school and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 days if the school operates fewer than 175 days in any fiscal year.

As referenced in the SBE Policy #00-05:

> "Attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 or 180 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

New Jerusalem ESD is requesting this waiver to accommodate additional student growth. The Delta Charter School will be operating up to five different tracks ranging from 178 to 182 days. The school has an online program that is a self-paced program, which allows students a variety of options to complete their course work. Classes in science, math, and language are taught on site.

SUMMARY OF KEY ISSUES (Cont.)

A waiver of this section of regulations will allow the school to operate multiple tracks with the required minimum days of instruction and separately calculate the ADA for each track, rather than for ADA in the aggregate. This is consistent with how ADA is calculated for a regular school with multiple tracks. No track has fewer than 55 percent of its school days occurring prior to April 15, one criterion of the SBE waiver policy. **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).** The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: Delta Charter School has a student population of 825 and is located in rural southeast Tracy, in San Joaquin County.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2012, to June 30, 2013

Local board approval date(s): February 27, 2012

Public hearing held on date(s): February 27, 2012

Bargaining unit(s) consulted on date(s): February 23, 2012

Name of bargaining unit/representative(s) consulted: Carol Castaneda, President, New Jerusalem Educators Association

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☐ posting at each school ☒ other (specify)

Public hearing flyers were posted at Delta Charter School Administration Offices, New Jerusalem Elementary School Offices, and the Tracy Rural Fire Department Annex.

Advisory committee(s) consulted: New Jerusalem Schoolsite Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 23, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: New Jerusalem Elementary School District General Waiver Request 145-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:

Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: ___

Renewal Waiver: ___

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	9	6	8	6	2	7

Local educational agency: New Jerusalem Elementary School District/Delta Charter School	Contact name and Title: Lisa McHugh		Contact person's e-mail address: lmchugh@sjcoe.net
Address: (City) (State) (ZIP) 31400 S. Koster Road Tracy CA 95304			Phone (and extension, if necessary): 209-835-2597 Fax Number: 209-835-2613
Period of request: (month/day/year) From: 7/1/2012 To: 6/30/2013	Local board approval date: (Required) February 27, 2012		Date of public hearing: (Required) February 27, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Section 47612.5 Circle One: *EC* or *CCR*

   Topic of the waiver: Delta Charter School multi track waiver for 2012/13 school year for 4 tracks.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 23, 2012 New Jerusalem Educators' Association

   Name of bargaining unit and representative(s) consulted: Carol Castaneda/Teacher-Union President

   The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised? Public Hearing flyers were posted at Delta Charter School Administration Offices, New Jerusalem Elementary School Offices, Tracy Rural Fire Department Annex. New Jerusalem is a small district residing in an agricultural area in San Joaquin County.

   Notice in a newspaper Notice posted at each school X Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: February 23, 2012

   Were there any objection(s)? No X___ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Track A: Delta Charter July 2, 2012 through May 31, 2013

Track B: Delta Charter September 4, 2012 through May 31, 2013

Track C: Delta Charter/ABLE September 4, 2012 through June 14, 2013

Track D: Delta Charter/Teen Triumph August 13, 2012 through June 17, 2013

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The rational for the multi track calendar for Delta Charter School is to accommodate additional student growth. The Delta Charter School will be operating on five different tracks ranging from 178 days to 182 days. The online program is a self paced program which allows students a variety of options to completing their course work. The on site calendar accommodates for on-site classes in Science, Math, and Language.

8. Demographic Information:
Delta Charter School has a student population of 825 students and is located in rural south east Tracy, CA a part of San Joaquin County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: February 24, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-02

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by ten local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove their schools from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year. Waiver Numbers: Capistrano Unified School District 15-1-2012 Caruthers Unified School District 37-12-2011 Conejo Valley Unified School District 95-1-2012 Conejo Valley Unified School District 96-1-2012 Evergreen Elementary School District 3-12-2011 Fortuna Union Elementary School District 32-11-2011 Newhall School District 85-12-2011 Pacific Union Elementary School District 24-1-2012 Rohnerville Elementary School District 1-1-2012 Red Bluff Union Elementary School District 33-1-2012 San Antonio Union Elementary School District 48-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of eleven waiver requests for schools on the 2012-13 Open Enrollment list (two requests are from Conejo Valley Unified School District) (Attachments 2 through 12) that meet the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). These waivers are recommended for approval on the condition that the local educational agencies (LEAs) granted this waiver must honor any transfer requests pursuant to the Open Enrollment Act. Granting these waivers would allow the schools to have their names removed from the 2012–13 Open Enrollment List. These waivers do not affect the standing of any other school, as each of these waivers is specific to the individual schools named in the attached waivers. Four of these requests (Caruthers Unified School District, Evergreen Elementary School District, Fortuna Union Elementary School District, and Newhall School District) were previously heard at the March 2012 SBE meeting. If no action is taken on these four requests, these waivers will automatically be approved for one year.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard requests from LEAs that meet the SBE streamlined waiver criteria to be removed from the 2012-13 Open Enrollment list. The SBE approved the streamlined waiver requests presented at the March 2012 meeting.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a “low-achieving” school can have a significant educational, economic, and political impact on the school community. The label of “low-achieving” does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is “low-achieving” may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because these are general waivers, if the SBE decides to deny either waiver, it must cite one of the seven reasons in *EC* Section 33051(a).

> *EC* 33051(a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:
> (1) The educational needs of the pupils are not adequately addressed.
> (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
> (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
> (4) Pupil or school personnel protections are jeopardized.
> (5) Guarantees of parental involvement are jeopardized.
> (6) The request would substantially increase state costs.
> (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: See each waiver request

Authority for Waiver: *EC* Section 33050

Period of request: See Attachment 1

SUMMARY OF KEY ISSUES (Cont.)

Period of recommendation: See Attachment 1

Local board approval date(s): See each waiver request

Public hearing held on date(s): See each waiver request

Bargaining unit(s) consulted on date(s): See Attachment 1

Public hearing advertised by (choose one or more): See each waiver request

Advisory committee(s) consulted: See each waiver request

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Chart of Schools Requesting a General Waiver from the 2012-13 Open Enrollment List (3 pages).

Attachment 2: Capistrano Unified School District General Waiver Request 15-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 3: Caruthers Unified School District General Waiver Request 37-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 4: Conejo Valley Unified School District General Waiver Request 95-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 5: Conejo Valley Unified School District General Waiver Request 96-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 6: Evergreen Elementary School District General Waiver Request 3-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 7: Fortuna Union Elementary School District General Waiver Request 32-11-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

ATTACHMENT(S) (Cont.)

Attachment 8: Newhall School District General Waiver Request 85-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 9: Pacific Union Elementary General Waiver Request 24-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 10: Rohnerville Elementary School District General Waiver Request 1-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 11: Red Bluff Union Elementary School District General Waiver Request 33-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 12: San Antonio Union Elementary School District General Waiver Request 48-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Schools Requesting a General Waiver from the 2012-13 Open Enrollment List

Waiver #	County District School	2011 District Growth API	2011 School Growth API/Met Student Groups Growth Targets	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommended for Approval (Yes/No)
15-1-2012	Orange Capistrano Unified Crown Valley Elementary	875	798 / No	No	Yes	6, 1	Not Receiving Title 1 Funds	Support 12/16/2011	Requested: July 1, 2012 to June 29, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
37-12-2011	Fresno Caruthers Unified Caruthers Elementary	761	776 / No	Yes	Yes	4, 9	Year 1	Support 12/05/2011	Requested: July 1, 2012 to June 30, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
95-1-2012	Ventura Conejo Valley Unified Glenwood Elementary	876	768 / Yes	No	Yes	4, 5	Year 1	Support 12/07/2011 and 01/03/2012	Requested: July 1, 2012 to June 29, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
96-1-2012	Ventura Conejo Valley Unified Conejo Elementary	876	758 / No	Yes	Yes	5, 6	Year 3	Support 12/07/2011 and 01/03/2012	Requested: July 1, 2012 to June 29, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes

Prepared by the California Department of Education
Revised: 04/16/2012 8:47 AM

Waiver #	County District School	2011 District Growth API	2011 School Growth API/Met Student Groups Growth Targets	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommended for Approval (Yes/No)
3-12-2011	Santa Clara Evergreen Elementary John J. Montgomery Elementary	882	800 / No	No	Yes	5, 6	Year 1	Support 11/28/2011	Requested: June 30, 2012 to June 30, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
32-11-2011	Humboldt Fortuna Union Elementary South Fortuna Elementary	768	771 / Yes	Yes	Yes	3, 4	Year 2	Neutral 11/02/2011	Requested: July 1, 2011 to June 30, 2012 Recommended: July 1, 2012 to June 30, 2013	Yes
85-12-2011	Los Angeles Newhall Newhall Elementary	903	808 / No	No	Yes	6, 8	Year 1	Support 11/14/2011	Requested: July 1, 2012 to June 30, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
24-1-2012	Humboldt Pacific Union Elementary Pacific Union Elementary	808	801 / No	No	Yes	5, 3	Year 2	Support 01/09/2012	Requested: July 1, 2011 to June 30, 2012 Recommended: July 1, 2012 to June 30, 2013	Yes
1-1-2012	Humbolt Rohnerville Elementary Norman G. Ambrosini Elementary	802	799 / Yes	Yes	Yes	5, 3	Year 1	Support 12/05/2011	Requested: July 1, 2011 to June 30, 2012 Recommended: July 1, 2012 to June 30, 2013	Yes

Prepared by the California Department of Education
Revised: 04/16/2012 8:47 AM

Waiver #	County District School	2011 District Growth API	2011 School Growth API/Met Student Groups Growth Targets	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommended for Approval (Yes/No)
33-1-2012	Tehama Red Bluff Union Elementary Jackson Heights Elementary	788	770 / No	Yes	Yes	4, 6	Year 5	Support 01/09/2012 and 01/12/2012	Requested: July 1, 2012 to June 30, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
48-1-2012	Monterey San Antonio Union Elementary San Antonio Elementary	804	804 / Yes	Yes	Yes	6, 2	Not in PI	Support 11/07/2011	Requested: July 1, 2012 to June 29, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes

Prepared by the California Department of Education
Revised: 04/16/2012 8:47 AM

15-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X

Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	4	6	4

Local educational agency: Capistrano Unified School District on behalf of Crown Valley Elementary School	Contact name and Title: Julie Hatchel, Asst. Supt. Education	Contact person's e-mail address: jhatchel@capousd.org
Address: (City) (State) (ZIP) 33122 Valle Road San Juan Capistrano, CA 92675		Phone (and extension, if necessary): (949) 234-9229 Fax Number: (949) 489-0467
Period of request: (month/day/year) From: 7/1/12 To: 6/29/13	Local board approval date: (Required) January 9, 2012	Date of public hearing: (Required) January 9, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352 Circle One: (*EC*) or *CCR*

   Topic of the waiver: Open Enrollment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number: N/A and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 12-16-11

   Name of bargaining unit and representative(s) consulted: Capistrano Unified Education Association, Vicki Soderberg, President

   The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)Notification to community by website*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: 1-4-12

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~

~~(B) Court, community, or community day schools shall not be included on the list.~~

~~(C) Charter schools shall not be included on the list.~~

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~
~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Approval of this waiver will minimize disruption to the educational program. The percentage of students at Crown Valley who qualify for free and reduced price meals has risen from 29% to 35% within the past four years. Despite this increase in poverty, Crown Valley staff is committed to an outstanding educational program. The API score for 2011 is 798, which is two points below the state benchmark of 800. There are 2,139 eligible schools with an API lower than 798.

The Romero Bill "failing school" designation does not match the reality of this school.

8. Demographic Information:
Crown Valley Elementary School has a student population of 339 and is located in a suburban area in Laguna Niguel, Orange County. Specific demographic information regarding tested subgroups is attached.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

37-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:

Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	0	7	5	5	9	8

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
CARUTHERS UNIFIED SCHOOL DISTRICT ON BEHALF OF CARUTHERS ELEMENTARY SCHOOL	JAMES SARGENT, SUPERINTENDENT	jsargent@caruthers.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary): 559-495-6402
P.O. BOX 127	CARUTHERS	CA	93609	Fax Number: 559-864-4241

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **JULY 1, 2012 To: JUNE 30, 2013**	**December 12, 2011**	**December 12, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 4701 Circle One: *EC* or *CCR*

Topic of the waiver: **OPEN ENROLLMENT FOR 2012-2013**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **31-12-2010** and date of SBE Approval **April 21, 2011** Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **December 5, 2011**

Name of bargaining unit and representative(s) consulted: CARUTHERS UNIFIED TEACHERS ASSOCIATION EXECUTIVE BOARD – CARLA CORREIA CO-PRESIDENT/MARY BETTESCHILD – CO PRSIDENT

The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

Notice in a newspaper **X** Notice posted at each school **X** Other: *(Please specify)* **County Library – Caruthers, CA**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
School Site Council
Date the committee/council reviewed the waiver request: **December 5, 2011**

Were there any objection(s)? No **X** Yes (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~

~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Our request for a waiver is based on the fact that the Open Enrollment Act, and the regulations that govern it, unfairly punish smaller rural school districts.

First, the policy of creating a list of 1000 lowest achieving schools and then limiting any district to only 10% of their schools is both unfair and inaccurate. Caruthers Elementary has a 776 API score, ranks as a decile four school and was ranked a nine out of ten in the State's rubric for comparing similar schools in 2010. This is not a low achieving school.

Secondly, the methodology to rank all schools together – high school, middle school, elementary school – does not take into consideration the fact that the state average API scores for high schools and middle schools is significantly lower than for elementary schools. One result – unintended I assume – is that the majority of the larger school districts, protected by the 10% quota, have a very high percent of high schools and middle schools as their Open Enrollment schools. This shifts the burden to rural elementary schools to fill up the list. In our region Fresno Unified is the biggest school district and all of their Open Enrollment Schools are high schools or middle schools. Our elementary has a higher API than 49 elementary schools in Fresno Unified – none of which are on the list. This is unfair and inaccurate.

Thirdly, this is confusing and unfair to our students, staff, parents and community who have pulled together, worked hard and have improved every year. This Act sends a mixed message to parents who only want what is best for their children and deserve straight honest answers.

There are negative consequences to our district that need to be considered. In our district this will result in the families with the greatest means taking their children to neighboring suburban districts with higher socio-economic bases. This will hurt our ADA and ability to offer all of our programs. At the same time it will seriously jeopardize our efforts to pass a badly needed school facilities bond. Why would members of our farming community that own land vote to tax themselves for school improvements if they can get better facilities in a suburban school for free?

The loss of ADA may also significantly hurt our budget because we have a commitment to the QEIA grant and will need to remain at current staff levels even with less students.

The bottom line is that our school is being included on this list because we are small. If we were in a larger district, even a moderately sized one, we would not be on the list. It is really that simple. We cannot imagine this was the intent of the legislation and are asking to be removed from the list in the best interests of our students and community.

8. Demographic Information:
CARUTHERS ELEMTNARY SCHOOL has a student population of **786** and is located in a **RURAL COMMUNITY** in **FRESNO** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **SUPERINTENDENT**	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

95-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___

Renewal Waiver: _X__

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	6	7	3	7	5	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Conejo Valley Unified School District **Glenwood Elementary School**	Robert Iezza, Director, Elementary Ed	biezza@conejo.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
1400 E. Janss Road, Thousand Oaks, CA 91362	(805) 497-9511 x241 Fax Number: (805) 379-5756

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/2012 To: 6/29/13	March 13, 2012	March 13, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: EC or *CCR*

   Topic of the waiver: **Open Enrollment Waiver**

2. If this is a renewal of a previously approved waiver, list Waiver # 52-1-2011 and date of SBE Approval – April 21, 2011
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 7, 2011 & January 3, 2012

   Name of bargaining unit and representative(s) consulted: United Association of Conejo Teachers, Colleen Briner-Schmidt

   President & Conejo Valley Pupil Personnel Association, Susan Wilson, President
   The position(s) of the bargaining unit(s): __ Neutral _x_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): Unit members are in full support as the school selection is unfair. School is high achieving as measured by an API and sustained growth in subgroups

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
District Instructional Goals Committee & Glenwood School Site Council

Date the committee/council reviewed the waiver request: November 30, 2011

Were there any objection(s)? No __X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

California Education Code (EC) 48350 et seq and California Code of Regulations Title 5 Section 4701 are not excluded from general waiver authority, EC Section 33050 et seq; therefore, they can be waived

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Open Enrollment formula that was used to create the 1000 school list is flawed and does not represent the lowest performing schools in the state. In fact, there are many schools just in our county of Ventura with far greater deficits that are not named in the list of 1000. Glenwood Elementary continues to achieve at high levels, consistently scoring near 800 on the Academic Performance Index; 2011 Growth API = 768. API scores increased in major subgroups in 2011; Hispanic 734-760, Econ. Disadvantaged 718-750 and English Learners 741-762. Likewise, AYP percentage proficiency rates increased; Hispanic 37.9%-42.2%, Econ. Disadvantaged 35.3%-40.4% and English Learners 54.7% - 58.6%. Glenwood has consistently outperformed most Title 1 schools in our county and continues to demonstrate high levels of success in advancing students through CST performance bands. It should be noted Glenwood continues to experience demographic shifts. For two consecutive years, Glenwood does not qualify with a significant White/non-Hispanic subgroup. The number of ELL students has increased as native English speakers have significantly decreased since 2008 from 35% to 19%.

Glenwood has a strong tradition of serving all students as evidenced by the outstanding, sustained achievement. See attached longitudinal data; API / AYP 2007-2011 (school wide with pertinent subgroups). The data will show that Glenwood out performs most schools in the state with similar demographics.

8. Demographic Information:
Glenwood Elementary has a student population of 409 and is located in a small sized city in Ventura County.
(see attached Student Demographic Characteristics)

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:

Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

96-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___

Renewal Waiver: _X__

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	6	7	3	7	5	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Conejo Valley Unified School District **Conejo Elementary School**	Robert Iezza, Director, Elementary Ed	biezza@conejo.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
1400 E. Janss Road, Thousand Oaks, CA 91362	(805) 497-9511 x241 Fax Number: (805) 379-5756

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/2012 To: 6/29/13	March 13, 2012	March 13, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: EC or *CCR*

Topic of the waiver: **Open Enrollment Waiver**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 22-1-2011 and date of SBE Approval – April 21, 2011
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): December 7, 2011 & January 3, 2012

Name of bargaining unit and representative(s) consulted: United Association of Conejo Teachers, Colleen Briner-Schmidt, President & Conejo Valley Pupil Personnel Association, Susan Wilson, President
The position(s) of the bargaining unit(s): __ Neutral _x_ Support __ Oppose (*Please specify why*)

Comments (if appropriate): Unit members are in full support and agree the school selection is unfair

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
District Instructional Goals Committee & Conejo School Site Council

Date the committee/council reviewed the waiver request: November 30, 2011

Were there any objection(s)? No __X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

California Education Code (EC) 48350 et seq and California Code of Regulations Title 5 Section 4701 are not excluded from general waiver authority, EC Section 33050 et seq; therefore, they can be waived

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Open Enrollment formula that was used to create the 1000 school list is flawed and does not represent the lowest performing schools in the state. In fact, there are many schools just in our county of Ventura with far greater deficits that are not named in the list of 1000. Conejo Elementary has demonstrated a healthy trajectory in API growth (near 800) for many years with the exception of this past year. Due to a fracture of the magnet school on campus, approximately ½ the students departed leaving a statistical anomaly. In 2010, 311 students completed CST's and in 2011, 235 completed the exams. Moreover, the conflict associated with the departure of students and creation of a new charter school distracted both adults and students. The unusual dip in student achievement data is directly correlated with the diversion that occurred throughout the 2010-2011 school year. As evidenced by longitudinal data, Conejo staff and administration have a strong history of meeting the needs of all students, particularly subgroups who are at risk. The waiver is being requested at this time due to the very unusual circumstance that preoccupied the time, energy and focus of the entire Conejo school community. As mentioned, Conejo has a durable tradition of serving all students as evidenced by sustained student achievement over time. See attached longitudinal data; API / AYP– 2007-2011 (school wide with pertinent subgroups). The data will show that Conejo has and will continue to outperform most schools in the state with similar demographics

8. Demographic Information:
Conejo Elementary has a student population of 415 and is located in a small city in Ventura County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No x Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No x Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

3-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___

Renewal Waiver: _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	3	6	9	4	3	5

Local educational agency: Evergreen School District on behalf of John J. Montgomery Elementary School	Contact name and Title: Dan Deguara, Director, Educational Services	Contact person's e-mail address: ddeguara@eesd.org
Address: 3188 Quimby Road (City) San Jose (State) CA (ZIP) 95148		Phone (and extension, if necessary): (408)-270-6809 Fax Number: (408)274-3894
Period of request: (month/day/year) From: 6/30/12 To: 6/30/13	Local board approval date: (Required) December 8, 2011	Date of public hearing: (Required) December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352(a) Circle One: *EC* or *CCR*

   Topic of the waiver: Formation of 2012-13 Open Enrollment list of "Low achieving school"

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **58-1-2011** and date of SBE Approval_**n/a**_ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): ETA: November 28, 2011 ; CSEA: November 28, 2011

   Name of bargaining unit and representative(s) consulted:
   Evergreen Teachers Association (ETA),Brian Wheatley, President;
   California School Employees Association (CSEA) Chapter 432, Ginny Gomez, President

   The position(s) of the bargaining unit(s): ETA: __ Neutral X Support __ Oppose (*Please specify why*)
   CSEA: __ Neutral X Support __ Oppose (*Please specify why*)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper x Notice posted at each school and 3 public places ___ Other: *(Please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Montgomery Elementary School Site Council

Date the committee/council reviewed the waiver request: **December 1, 2011**

Were there any objection(s) No X Yes ___

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

Education Code 48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~
~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~
~~(B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~

~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~(3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

John J. Montgomery Elementary School appears on the SPI's list of Open Enrollment Schools in 2012-2013. The school exceeded its 2009-2010 growth target by making a 6 point API growth going from a 2009 Base API of 788 to a 2010 Growth API of 794. Again, exceeding the 2010-1011 growth target, Montgomery's API increased by 6 points going from a 2010 Base API of 794 to a 2011 Growth API of 800. The State of California has set an API goal of 800 for all schools. Because John J. Montgomery Elementary School met this goal and became a performing school, the school should not be considered a California "lowest achieving" school.

8. Demographic Information:

Evergreen School District has a student population of 13,430 and is located in an urban area in Santa Clara County.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – I hereby certify that the information provided on this application is correct and complete.

Signature of Superintendent or Designee:	Title: Superintendent	Date: December 9, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

32-11-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X _

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	2	6	2	9	5	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Fortuna Union Elementary School District	Patti M. Hafner	phafner@humboldt.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
843 L Street	Fortuna	CA	95540	707-725-2293 Fax Number: 707-725-2228

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **July 1, 2011- June 30, 2012**	November 15, 2011	November 15, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 48352 Circle One: (*EC*) or *CCR*

   Topic of the waiver: Removal from Open Enrollment List of Schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **November 2, 2011**

   Name of bargaining unit and representative(s) consulted**:** **Vera Daigle; CSEA, President, California School Education Association, Slide Chapter 414**
   Jack West and Elizabeth Belluscio, FETA
   Co-presidents Fortuna Elementary Teacher Association

   The position(s) of the bargaining unit(s): **X Neutral** __ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper **X Notice posted at each school** ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: SSC 11/17/11

   Were there any objection(s)? **No** _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

"EC to be Waived" is the following:

Education Code 48352. For purposes of this article, the following definitions

apply:

~~(a) "Low-achieving school" means any school identified by theSuperintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact ofthe criteria in paragraph (2), the Superintendent annually shallcreate a list of 1,000 schools ranked by increasing API with the sameratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~
~~(B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of adependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~

~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Fortuna Union School District respectfully requests South Fortuna Elementary School be removed from the 2011-2012 list of schools identified as one of the 1,000 lowest achieving schools in California under the Open Enrollment Schools Act. South Fortuna Elementary is one of two schools in the district. Their growth target was 5 and they doubled that target to an API of 771. South Fortuna Elementary met or exceeded all their API targets for all groups. Therefore it is clear that South Fortuna Elementary School is not one of the 1,000 lowest performing schools in the state.

8. Demographic Information:
South Fortuna Elementary has a student population of **435 students** and is located in a rural town.(*urban, rural, or small city etc.)* in **Humboldt** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 11/18/11

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

85-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	6	4	8	3	2

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Newhall School District	**Marc Winger, Superintendent of Schools**	**mwinger@newhall.k12.ca.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
25375 Orchard Village Road	**Valencia**	**CA**	**91355**	**661-291-4100 (Ext. 162)** Fax Number: **661-291-4194**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 8/1/2012 To: 7/31/2013	**December 13, 2011**	**December 13, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Topic of the waiver: **Open enrollment list**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **_X_** Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **Newhall Teachers Association (11/14/11) & Newhall Educational Support Professionals (11/14/11)**

Name of bargaining unit and representative(s) consulted: **NTA (President), NESP (President)**

The position(s) of the bargaining unit(s): __ Neutral **_X_** Support __ Oppose (*Please specify why*)

Comments (if appropriate): **Both bargaining units were highly supportive!**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper **__X_** Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: **Newhall Site Council, November 14, 2011**

Were there any objection(s)? No **X___** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code 48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~
~~(1) Excluding the schools, and taking into account the impact ofthe criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the sameratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~
~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~
~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~
~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see attached page for unique circumstances.

8. Demographic Information:

Newhall School has a student population of 660 students and is located in a suburban area of the Santa Clarita Valley in northern Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Superintendent of Schools**	Date: **December 13, 2011**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

California Department of Education

GENERAL WAIVER REQUEST

(Additional Page)

Response to Question 7, desired outcome/rationale:

Newhall Elementary with a 2011 API of 808 and five years of an API that has exceeded 800 has been identified as an Open Enrollment School even as it has reached and surpassed "an API score of 800" described by the California Department of Education "as the target to which all schools should aspire." Newhall Elementary is not only an 800+ elementary school but has also:

- Shown sustained improvement in sub-group API scores from 2006 to 2011

English Learners	42 point gain
Hispanic or Latino	21 point gain
Socioeconomically Disadvantaged	17 point gain

- Shown significant improvement in every sub-group as measured on the California Standards Test from 2006 to 2011; numbers equal percentage point growth in percent proficient

	ELA	Math
English Learners	+12.8	+18.8
Hispanic or Latino	+6.6	+13.3
Socioeconomically Disadvantaged	+6.4	+11.2

Additionally, Newhall School received a Title One Academic Achievement Award in 2007.

24-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X

Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	2	6	2	9	7	6

Local educational agency: Pacific Union School District on behalf of Pacific Union Elementary School	Contact name and Title: Karla K. Darnall, Superintendent / Principal	Contact person's e-mail address kdarnall@humboldt.k12.ca.us
Address: 3001 Janes Road (City) Arcata (State) CA (ZIP) 95521		Phone (and extension, if necessary): 707 822-4619 X 341 Fax Number: 707 822-0129
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2013	Local board approval date: (Required) January 12, 2012	Date of public hearing: (Required) January 12, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): ED 48352(a)
   Circle One: *EC* or *CCR*
   Topic of the waiver: Removal from the Open Enrollment List

2. If this is a renewal of a previously approved waiver, please list Waiver Number: and date of SBE Approval:

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 9, 2012

   Name of bargaining unit and representative(s) consulted: Teachers At Pacific Union (TAPU) / California Teachers Association (CTA) Stefanie Watson and Carol Crivelli

   The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school and three public places within the district ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Pacific Union School Site Council

Date the committee/council reviewed the waiver request: November 16, 2011

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC to be Waived" is the following:

Education Code 48352. For purposes of this article, the following definitions

apply:

~~(a) "Low-achieving school" means any school identified by theSuperintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact ofthe criteria in paragraph (2), the Superintendent annually shallcreate a list of 1,000 schools ranked by increasing API with the sameratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~
~~(B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of adependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~

~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Pacific Union School District respectfully requests that Pacific Union School be removed from the 2012 – 2013 list of schools identified as one of the 1,000 low-achieving schools in California under the Open Enrollment Act.

Pacific Union School has an API of 801 for the 2010 – 2011 school year showing consistent growth over the past several years to reach this present level of high performance. Additionally, Pacific Union's API has exceeded 800 for the past two years. The District maintains, therefore, that it is appropriate for you to grant our request to exclude Pacific Union School from the Open Enrollment List for 2012 – 2013.

8. Demographic Information:
Pacific Union School has a student population of 475 students and is located in a *rural area* in Humboldt County. There are two schools in the district: Pacific Union, a K – 8 school and Trillium Charter School, a small charter school of 40 students.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

1-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	2	6	3	0	1	6

Local educational agency: Rohnerville School District	Contact name and Title: Alan B. Brainerd, Superintendent	Contact person's e-mail address:abrainerd@humboldt.k12.ca.us
Address: 3850 Rohnerville Road (City) Fortuna (State) CA (ZIP) 95540		Phone (and extension, if necessary): (707) 727-7823 Fax Number: (707) 725-5776
Period of request: (month/day/year) From: **July 1, 2011** To: **June 30, 2012**	Local board approval date: (Required) December 15, 2011	Date of public hearing: (Required) December 15, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 48352 Circle One: *EC* or *CCR*

   Topic of the waiver: Removal from Open Enrollment List of Schools

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 5, 2011

   Name of bargaining unit and representative(s) consulted: Rohnerville Teachers Association/CTA, Cathy Sinnen; CSEA Springville Chapter 801, Kathy Lokers

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Norman G. Ambrosini Elementary School Site Council.

   Date the committee/council reviewed the waiver request: December 5, 2011

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

"EC to be Waived" is the following:

Education Code 48352. For purposes of this article, the following definitions

apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~
~~(B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~(a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~

~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Rohnerville School District respectfully requests Norman G. Ambrosini Elementary School be removed from the 2011-2012 list of schools identified as one of the 1,000 lowest achieving schools in California under the Open Enrollment Schools Act. Norman G. Ambrosini Elementary is one of two schools in the district. The 2010 API Base for the school was 787, and the school attained a 2011 API Growth of 798, exceeding the growth target by 6 points. Norman G. Ambrosini Elementary School is clearly not one of the 1,000 lowest performing schools in the state.

8. Demographic Information:
Rohnerville School District has a student population of 602 in two schools, one elementary school and one middle school, and is located in a small city in Humboldt County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
Alan B. Brainerd	Interim Superintendent	December 15, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

33-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___

Renewal Waiver: _X__

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	2	7	1	6	2	1

Local educational agency: Red Bluff Union Elementary School District	Contact name and Title: M. Karin Matray Assistant Superintendent	Contact person's e-mail address: kmatray@rbuesd.org
Address: (City) (State) (ZIP) 1755 Airport Blvd. Red Bluff, CA 96080		Phone (and extension, if necessary): (530) 527-7200 ext. 108 Fax Number: (530) 527-9308
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2013	Local board approval date: (Required) January 24, 2012	Date of public hearing: (Required) January 24, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

   Topic of the waiver: Open Enrollment Act

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 39-10-2012 and date of SBE Approval 2/10/2011.
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Red Bluff Educators Employee Association – January 9, 2012; California Schools Employee Association – January 12, 2012

   Name of bargaining unit and representative(s) consulted: Red Bluff Educators Employee Association – Sharon Barrett; California Schools Employee Association – Barbara Ramey/Kathy Hirsch

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __X_ Notice posted at each school _X__ Other: *(Please specify)* (posted at Tehama Co. Dept. of Education, District Office, district website)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Jackson Heights School Site Council – January 23, 2012

   Were there any objection(s)? No __X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code Section 48352.a.2.A – the Open Enrollment Act:
~~"In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~
~~A. A local educational agency shall not have more than 10 percent of its schools on the list."~~

This section identifies a formula for identification of California "persistently low achieving schools" that results in minimizing the number of schools in larger districts that are named to the list of 1,000. As a consequence, higher achieving schools in rural areas and smaller districts are identified as persistently low achieving, regardless of their achievement history.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The application of the current state formula for persistently low achieving schools identifies Jackson Heights as one of the 1,000 lowest achieving schools in the state. Jackson Heights is not persistently low achieving. This school has demonstrated steady improvements in student achievement since 2005. Student achievement data show:

- API growth has increased 135 points since 2005
- AYP proficiency percentages for both ELA and Math have steadily risen since 2003 – school wide and for all student subgroups
- The Achievement Gap has greatly minimized for all subgroups in both ELA and Math
- Jackson Heights has exceeded state English Learner English proficiency targets for AMAO 1 and AMAO 2 for the past three years (2008-09, 2009-10 and 2010-11)

These student achievement indicators demonstrate a steadily achieving school. RBUESD requests the application of the state formula as identified in EC 48352 be waived for Jackson Heights Elementary.

8. Demographic Information:
Red Bluff Union Elementary School District has a K-8 student population of 2134 and is located in a small town in rural Tehama County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: January 24, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

48-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ____

Renewal Waiver: ____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
2	7	6	6	1	6	7

Local educational agency: San Antonio Union Elementary School District	Contact name and Title: Linda Irving, Superintendent	Contact person's e-mail address: living@sanantoniousd.org
Address: (City) (State) (ZIP) P.O. Box 5000, Lockwood, CA 93932		Phone (and extension, if necessary): 831-385-3051 Fax Number: 831-385-4240
Period of request: (month/day/year) From: July 1, 2011 To: June 29, 2013	Local board approval date: (Required) November 16, 2011	Date of public hearing: (Required) November 16, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Ed Code: 48352 Circle One: *EC* or *CCR*

   Topic of the waiver: Open Enrollment

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No x Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): November 7, 2011

   Name of bargaining unit and representative(s) consulted: San Antonio Teachers Association (SATA), CSEA Chapter 877

   The position(s) of the bargaining unit(s): __ Neutral x Support __ Oppose (*Please specify why*)

   Comments (if appropriate): We are not a "low achieving" school.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper x Notice posted at each school ___ Other: *Local store and Post Office*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council
   Date the committee/council reviewed the waiver request: 11/8/11

   Were there any objection(s)? No X Yes __ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code 48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by theSuperintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact ofthe criteria in paragraph (2), the Superintendent annually shallcreate a list of 1,000 schools ranked by increasing API with the sameratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of adependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~
~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   We have an API of over 800 (804) and have never been identified as Program Improvement, thus are not and never have been considered "low achieving" by measure set forth by the State Board of Education under No Child Left Behind. For this reason we should not be included on the Open Enrollment School list. We are listed as an Open Enrollment School because San Antonio Union Elementary School District is single school district, thus 10% of our schools have been identified. Only 10% of a school district can be identified, therefore other larger schools with low APIs and in Corrective Action have missed the designation. San Antonio School should not be designated as an Open Enrollment School due to a flaw in the law and the fact that we have an API over 800.

8. Demographic Information:
   San Antonio Elementary School is a one school district, has a student population of 177 students and is located in a rural area in Monterey County. We have 39.9% Free and Reduced Lunch students and less than 20 English Learners.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
Linda Irving	Superintendent	November 17, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-05

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **Orange County Department of Education** for a renewal of the waiver of California *Education Code* Section 51745.6(a) the requirement that the independent study pupil-teacher ratio shall not exceed the equivalent ratio for all other programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The Orange County Department of Education requests continuing an independent study ratio of 35:1. Waiver Number: 131-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the renewal of the Orange County Department of Education (OCDE) waiver of the independent study pupil-teacher ratio of 35:1 with the stipulation that: (1) all additional revenues generated by independent study students will be spent on services for those students; (2) the OCDE will provide an annual report of expenditures to the CDE; (3) at no time will the pupil-teacher ratio exceed 35 average daily attendance (ADA) per teacher for the two-year period of the waiver; and (4) California *Education Code* (*EC*) Section 33050(b) will not apply; therefore, the county must submit a renewal to continue this waiver two months before the waiver expires.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) approved a previous OCDE waiver request for a ratio of 35:1 in September 2010 (Waiver number 44-5-2010; approved September 16, 2010). The SBE has been hearing waiver requests from local educational agencies regarding the independent study pupil-teacher ratio for at least 20 years. The SBE Policy #01–03 (April 2001, http://www.cde.ca.gov/re/lr/wr/documents/independentstudy.doc) provides guidelines for waiver requests of the entire *EC* Section 51745.6. The guidelines include the following as an example of reasonable rationale to approve the waiver:

> … if the purpose of the higher ADA-to-teacher ratio is to redirect resources to pay for other services for the direct benefit of students in independent study, such as intensive counseling service provided by appropriately credentialed staff.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION (Cont.)

Since 2001, average class sizes in all educational settings have increased due to budget restrictions. The SBE has approved more than 100 class size waivers that have been submitted—the largest for an average of 35 students per class.

SUMMARY OF KEY ISSUES

The OCDE requests a renewal of the waiver of *EC* Section 51745.6 which, for county offices of education, provides that the pupil-teacher ratio for independent study students "shall not exceed the pupil-teacher ratio for all other educational programs operated by the high school or the unified school district with the largest ADA in the county."

The Orange County Alternative Education Program continues to provide extensive services for students who face severe challenges such as homelessness, substance abuse, severe behavior problems, attendance issues, and trouble with the law. In most cases, this program serves as the last resort for at-risk students, and independent study allows them to make up lost credits and obtain the counseling and guidance needed to overcome obstacles to graduation. To meet the needs of these students, the OCDE employs administrators, counselors, psychologists, nurses, and classified staff beyond the scope of the traditional independent study program. The OCDE serves approximately 15,400 students through independent study annually, with an average daily enrollment of 6,300. The daily enrollment fluctuates due to the transient nature of the program's students who attend for varying lengths of enrollment.

This renewal request compares the OCDE pupil-teacher ratio to the Santa Ana Unified School District (SAUSD) pupil-teacher ratio of 26.2:1, as the SAUSD is the largest district in Orange County. Based on the SBE policy of allowing 10 percent above the comparison ratio, the recommended ratio for the OCDE would be 28.8:1. The OCDE is seeking a waiver which would permit a continued independent study pupil-teacher ratio of 35:1.

The OCDE states:

> Without a waiver it is not inconceivable that the students would drop out altogether if the programs are critically cut or forced to shut down. In the current year, Orange County employs 46.8 full-time equivalent staff to serve these students who do not count towards the pupil/teacher ratio. Any comparisons of the pupil/teacher ratio to the largest district in the county, Santa Ana USD (SAUSD), must take into account additional resources at SAUSD's disposal such as Quality Education Investment Act (QEIA) and class size reduction. Additionally, this high percentage of elementary students combined with the additional resources deflates the overall district student to teacher ratio for SAUSD. OCDE has approximately 75% 9-12 students and 25% elementary for which it does not receive any additional resources aimed toward class size reduction. Lastly, at the most recent SBE hearing, SAUSD was granted nine QEIA class size reduction waivers.

SUMMARY OF KEY ISSUES (Cont.)

The Orange County Alternative Education programs are supported through the county office of education revenue limit, which is subjected to a projected deficit factor of 22.497. The OCDE states:

> To accommodate the impact of reduced funding, and maintain the pupil/teacher ratio currently in law, the county office would be required to continue operating a $5 million deficit, decimate needed support services, or close the program entirely. None of these options are in the best interests of the students served. With a waiver of the pupil/teacher ratio, the office can bring expenditures into balance with revenues and continue the program with a balanced reduction to teaching staff and support services.

The OCDE agrees to the condition that the pupil-teacher ratio will not exceed 35 ADA per teacher for the two-year period of the waiver (2012–13 and 2013–14). They note that the independent study model is different from seat-time classrooms, and although the roster may reflect 35:1, at no time are there 35 students with one teacher. In the independent study model, students receive 1:1 or small group instruction.

The Educational Options, Student Support, and American Indian Education Office (EOSSAIEO) recommends approval of this waiver with the four conditions stated above. The reasons for recommending approval include the following:

- Severe budget constraints make this the only viable option for the OCDE to continue providing necessary support services for at-risk students.

- The ratio comparison to the SAUSD puts the OCDE at a disadvantage.

- The Orange County Alternative Education Program is a last resort that is helping a large number of students complete their education and graduate.

- In June 2010, the Western Association of Schools and Colleges approved the Orange County Alternative Education Program, ACCESS, for another six years.

- The only non-student items in the OCDE's submitted budget were for allowable indirect costs.

The EOSSAIEO staff does not believe this request will set a wide precedent because this request is from a county office. District independent study pupil-teacher ratios are based on the ratios for the district's own classroom programs. The EOSSAIEO has not received another waiver request of *EC* Section 51745.6(a) since the September 2010 request by the OCDE.

SUMMARY OF KEY ISSUES (Cont.)

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *Education Code (EC)* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: The OCDE Alternative Education Program serves a student population of 7,322 and is located in Costa Mesa an urban city within Orange County.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2012, to June 29, 2014

Period recommended: July 1, 2012, to June 29, 2014

Local board approval date(s): February 15, 2012

Public hearing held on date(s): February 15, 2012

Bargaining unit(s) consulted on date(s): January 24, 2012

Name of bargaining unit/representative(s) consulted: Orange County Educators Association (OCSEA): Richard Berman, President OCSEA, Loren Myhill, Lewis Lester, Mary Jane Roberts, Mary Burton, Unit Members; California Teachers Association: Norma Potter

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate): None

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: The county community schools, which includes all the independent study programs, in the Division of Alternative Education of Orange

County Department of Education, do not receive categorical program funds that require a School Site Council or other such Councils.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide financial impact from waiver approval or denial. The OCDE will continue to claim the same revenue limit for the ADA for those students they serve. The waiver approval will not increase the number of students served, and there is no increase in the revenue limit for each student served. However, if the waiver is denied the OCDE independent study program could close or lay off counselors, psychologists, nurses, and other support staff who serve these students. The elimination of the program or its services could result in a large percentage of these OCDE students dropping out of school since this “program of last resort” would no longer be available. Research studies indicate that those students who drop out rather than return to their school of residence cost additional revenues through lost wages, welfare costs, and, in many cases, law enforcement expenditures.

ATTACHMENT(S)

Attachment 1: General Waiver Request (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST *First Time Waiver:* ___

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	1	0	3	0	6

Local educational agency: Orange County Department of Education	Contact name and Title: Byron Fairchild Director, Alternative Education	Contact person's e-mail address: bfairchild@access.k12.ca.us
Address: (City) (State) (ZIP) 200 Kalmus Drive, Costa Mesa, CA 92628-9050		Phone (and extension, if necessary): 714-966-4490 Fax Number: 714-979-8310
Period of request: (month/day/year) From: July 1, 2012 To: June 29, 2014	Local board approval date: (Required) February 15, 2012	Date of public hearing: (Required) February 15, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 51745.6 Circle One: *EC*

Topic of the waiver: Pupil / Teacher Ratio for Independent Study

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 44-6-2010, date of SBE Approval 9/16/2010 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 24, 2012

Name of bargaining unit and representative(s) consulted: Orange County Educators Association (OCSEA) Norma Potter, California Teachers Association; Richard Berman, President OCSEA, Loren Myhill, Lewis Lester, Mary Jane Roberts, Mary Burton, Unit Members

The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

__X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: Not Applicable

Were there any objection(s)? No ___ Yes ___ (*If there were objections please specify)*

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

51745.6. (~~a) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the State Department of Education, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county. The computation of those ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent of Public Instruction.~~

~~(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratio described in subdivision (a) shall be eligible for apportionment pursuant to Section 42238.5, for school districts, and Section 2558, for county offices of education. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratio described in subdivision (a), except that those additional units shall not be funded pursuant to Section 42238.5 or Section 2558.~~

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4(commencing with Section 42280) of Chapter 7 of Part 24.

(d) The pupil-teacher ratio described in subdivision (a) in a unified school district participating in the class size reduction program pursuant to Chapter 6.10 (commencing with Section 52120) may, at the school district's option, be calculated separately for kindergarten and grades 1 to 6, inclusive, and for grades 7 to 12, inclusive.

(e) The pupils-to-certificated-employee ratio described in subdivision (a) may, in a charter school, be calculated by using a fixed pupils-to-certificated-employee ratio of 25 to one, or by being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in pupil-to-certificated-employee ratio calculations.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Orange County Alternative Education programs are supported through the county office of education revenue limit, which is now subject to a projected deficit factor of 22.497. In light of these budget constraints the Orange County Department of Education is requesting a renewal of its waiver of the pupil/teacher ratio requirement for independent study, with the condition that the pupil/teacher ratio not exceed 35 ADA per teacher for the two-year period 2012-13 and 2013-14. It bears noting that Independent Study is very different than seat time classrooms and although the roster may reflect 35:1 at no time are there 35 students at any one time. Teachers are working one on one or in some circumstances in small group settings.

The Orange County Alternative Education program provides services to students who have severe needs and face critical challenges. These are students who are homeless, have substance abuse problems, have behavioral concerns and/or attendance problems, have been in trouble with the law, or frequently have experienced some combination of these problems. In most cases this program is a student's last viable option. To meet these needs, the county office currently employs administrators, counselors, psychologists, nurses and classified staff beyond the scope of the traditional independent study program. Without a waiver it is not inconceivable that the students would drop out altogether if the programs are critically cut or forced to shut down. In the current year, Orange County employs 46.8 full-time equivalent staff to serve these students who do not count towards the pupil/teacher ratio. Any comparisons of the pupil/teacher ratio to the largest district in the county, Santa Ana USD (SAUSD), must take into account additional resources at SAUSD's disposal such as Quality Education Investment Act (QEIA) funding, Economic Impact Aid (EIA) and class size reduction. Additionally, this high percentage of elementary students combined with the additional resources deflates the overall district student to teacher ratio for SAUSD. OCDE has approximately 75% 9-12 students and 25% elementary for which it does not receive any additional resources aimed toward class size reduction. Lastly, at the most recent SBE hearing, SAUSD was granted nine QEIA class size reduction waivers.

Continued…See Attachment

Desired outcome/rationale.

Continued from Section Seven:

To accommodate the impact of reduced funding, and maintain the pupil/teacher ratio currently in law, the county office would be required to continue operating a $5 million deficit, decimate needed support services, or close the program entirely. None of these options are in the best interests of the students served. With a waiver of the pupil/teacher ratio, the office can bring expenditures into balance with revenues and continue the program with a balanced reduction to teaching staff and support services.

8. Demographic Information:
   Orange County Department of Education, Alternative Education Program has a student population of 7,322 and is located in an urban city within Orange County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-06

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Fremont Unified School District** to waive portions of the California *Education Code* Section 60800(a), relating to Physical Fitness Testing, specifically the testing window of February 1 through May 31 for grade nine students. Waiver Number: 67-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval with the following conditions: that the Physical Fitness Testing (PFT) window will open on January 1 and close on May 31, 2012. The California *Education Code* (*EC*) Section 33051(b) will not apply. The district will be required to reapply for this waiver annually until the California Department of Education (CDE) receives either proof of a State Board of Education (SBE) approved block schedule waiver or the district submits a new block schedule waiver and the waiver is approved by the SBE.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2005, July 2009, and January 2011, the SBE approved waivers for increasing the PFT window for a district to accommodate a high school on a block schedule.

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Fremont Unified School District has a 2011 Growth API of 877. John F. Kennedy High School has a 2011 Growth API of 743 and 37.4 percent of the grade nine students scored in the healthy fitness zone in six-of-the-six fitness areas.

SUMMARY OF KEY ISSUES

The Fremont Unified School District, on behalf of the Kennedy High School, requests that the annual assessment window for the PFT begin on January 1 and end on May 31, 2012. The statutory window for administering the PFT is February 1 through May 31.

SUMMARY OF KEY ISSUES (Cont.)

The Fremont Unified School district reports, Kennedy High School has been using a block schedule for over ten years and was unaware until recently that a waiver must be approved, by the SBE, to administer the PFT outside the assessment window. Allowing this school to conduct the PFT beginning January 1 would allow the school to streamline testing procedures and protocols to better match the timing related to the block schedule prior to students starting a new semester (late January).

Kennedy High School will continue to assess grade nine students enrolled in the first semester of Physical Education, but not the second semester of Physical Education. Kennedy High School will administer in January the PFT to grade nine students, and submit the PFT data to the District for submission to the state.

The Department recommends that the PFT window open on January 1 and close on May 31, 2012 in order to accommodate Kennedy High School's block schedule.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: Fremont Unified School District has a population of 32,607 and is located in an urban setting in Alameda County.

Kennedy High School has a student population of 1,376 and is located in an urban setting in Alameda County.

Authority for Waiver: *EC* Section 33050

Period of request: February 1, 2012, to May 31, 2012

Local board approval date(s): February 8, 2012

Public hearing held on date(s): February 8, 2012

Bargaining unit(s) consulted on date(s): January 5, 2012

SUMMARY OF KEY ISSUES (Cont.)

Name of bargaining unit/representative(s) consulted: Fremont Unified District Teachers Association (FUDTA), Brannin Dorsey, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☐ posting at each school ☐ other (specify)

Advisory committee(s) consulted: Kennedy High School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: January 16, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide impact in granting this waiver.

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 Pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

67-2-2012

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

First Time Waiver: _X_
Renewal Waiver: ___

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
0	1	6	1	1	7	6

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Fremont Unified School District	Jan March, Assessment & Instruction	jmarch@fremont.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
4210 Technology Drive, Fremont, CA 94538	510-659-2519 Fax Number: 510-659-2518

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: February 1 To: May 31, 2012	February 8, 2012	February 8, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 60800(a) Circle One: (*EC*) or *CCR*

   Topic of the waiver: Healthy Fitness Zone Waiver for Kennedy High School (Fremont USD)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Fremont Unified District Teachers Association (FUDTA), January 5, 2012
   Name of bargaining unit and representative(s) consulted: Fremont Unified District Teachers Association (FUDTA) Brannin Dorsey, president
   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a forma notice at each school and three public places in the district.
   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Kennedy High School Site Council

   Date the committee/council reviewed the waiver request: January 16, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code Section 60800(a)

~~(a)During the month of February, March, April, or May, the governing board of each school district maintaining any of grades 5, 7, and 9 shall administer to each pupil in those grades the physical performance test designated by the state board. Each pupil with a physical disability and each pupil who is physically unable to take all of the physical performance test shall be given as much of the test as his or her condition will permit.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Fremont Unified School District's Kennedy High School changed its traditional schedule to the block schedule model over ten years ago. Because not all 9th grade students are enrolled in second semester Physical Education, PE teachers at Kennedy High School have been administering the State's required 9th grade Physical Fitness Testing in January of each year (to 9th grade students not enrolled in 2nd semester PE) and reporting the data during the official testing window. It was recently discovered that Fremont Unified is required to submit a waiver for this circumstance. Kennedy High School will continue to assess 9th grade students enrolled in first semester PE, but not second semester PE, each January, and report scores with the remainder of the District.

8. Demographic Information:
(*District/school/program)_X_* has a student population of 32,000 and is located in an urban area in Alameda County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 1-17-2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-07

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by four local educational agencies to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2011−12 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for 14 special education students based on *Education Code* Section 56101, the special education waiver authority. Waiver Numbers: Conejo Valley Unified School District 146-2-2012 Lindsay Unified School District 177-2-2012 Natomas Unified School District 141-2-2012 San Dieguito Union High School District 150-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the request to waive only the requirement that 14 students successfully complete a course in Algebra I (or its equivalent) for the 2011−12 graduating year. These students have met other course requirements stipulated by the governing board of the school district and California *Education Code (EC)* Section 51225.3 in order to receive a high school diploma. If these students do not graduate in 2011−12, this waiver does not relieve the students of the responsibility to continue to attempt to successfully complete a course in Algebra I (or its equivalent) in 2012−13 as required by *EC* Section 51224.5.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2000, *EC* Section 51224.5 was enacted to require students to complete a course in Algebra I, as a condition of receiving a high school diploma. The Algebra I requirement applied to students who were scheduled for graduation in 2003−04. All waiver requests of this type have been granted by the SBE for students with special needs.

SUMMARY OF KEY ISSUES

For the review of this waiver request, the local educational agencies (LEAs) provided the following documentation:

- A valid, current copy of each student's individualized education program (IEP) highlighting the areas of mathematics deficiencies and how the students' needs in mathematics were addressed.

- Selected pages from each student's IEP from three previous years showing that the students were consistently on a diploma-track, and that the IEP was written to support the students' participation in diploma-track math courses, particularly algebra.

- The specific assistance the district provided to each 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 each student highlighting attempts to pass algebra and pre-algebra classes.

- An assessment summary that reports each student participated in the Standardized Testing and Reporting program and failed multiple attempts to meet graduation requirements related to the algebra requirement.

The above documentation was confidentially reviewed by more than one special education consultant. The LEAs documentation provided facts indicating that failure to approve these waiver requests would result in these students not meeting graduation requirements.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Conejo Valley Unified School District - Specific Waiver Request 146-2-2012 for Algebra I Requirement (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lindsay Unified School District- Specific Waiver Request 177-2-2012 for Algebra I Requirement (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 4: Natomas Unified School District- Specific Waiver Request 141-2-2012 for Algebra I Requirement (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: San Dieguito Union High School District- Specific Waiver Request 150-2-2012 for Algebra I Requirement (1 Page) (Original waiver request is signed and on file in the Waiver Office.)

A Summary Table

Waiver Number	Local Educational Agency	Demographics	Period of Request	Local Board Approval Date	Meets Streamlined Waiver Policy
146-2-2012	Conejo Valley Unified SD Seven students	Conejo Valley Unified SD is located in an urban area in Ventura County with a student population of 21,091.	8/24/2011 – 6/12/2012	2/22/2012	Yes API of 876
177-2-2012	Lindsay Unified SD One student	Lindsay Unified SD is located in a rural area in Tulare County with a student population of 4,150.	8/9/2011 – 6/1/2012	2/14/2012	No
141-2-2012	Natomas Unified SD Five students	Natomas Unified SD is located in a rural area in Sacramento County with a student population of 12,350.	8/16/2011 – 5/24/2012	2/21/2012	No
150-2-2012	San Dieguito Union HSD One student	San Dieguito Union HSD is located in an urban area in San Diego County with a student population of 12,401.	8/30/2011 – 6/30/2012	2/16/2012	Yes API of 887

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
AIGR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Waiver of Algebra I Graduation
Requirements for Pupils with Disabilities

Send Original to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and
back-up material to: waiver@cde.ca.gov

CDS CODE						

Local educational agency: Conejo Valley Unified School District	Contact name and recipient of approval/denial notice: Margaret Saleh	Contact person's e-mail address: msaleh@conejo.k12.ca.us
Address: (City) (State) (ZIP) 1400 E. Janss Road Thousand Oaks CA 91360		Phone (and extension, if necessary): 895-497-9511x222 Fax number:805-497-8058
Period of request: (month/day/year) From: 8/24/2011 To: 6/12/2012	Local board approval date **or** SELPA signature date (required) 2-22-2012	

LEGAL CRITERIA

1. Authority for the waiver: X Specific code section: ***EC* 56101**
56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under…(IDEA)… or to the compliance of a district, special education local plan area, or county office with...(IDEA)…and federal regulations relating thereto.
(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

***Education Code* or *California Code of Regulations* section to be waived.**
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.

Desired outcome/rationale.

Request a waiver of the (above) Algebra I graduation requirement for____7_____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the _2011-2012_____ school year under current statute.

District/County/SELPA Certification – *I hereby certify that the information provided on this application is correct & complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

AIGR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Waiver of Algebra I Graduation Requirements for Pupils with Disabilities

Send Original to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
5	4	7	1	9	9	3

Local educational agency: Lindsay Unified School District	Contact name and recipient of approval/denial notice: Russell Ernst	Contact person's e-mail address: rernst@lindsay.k12.ca.us
Address: (City) (State) (ZIP) 1849 E. Tulare Rd. Lindsay CA. 93247		Phone (and extension, if necessary): 559-562-5911 Fax number: 559-562-4291
Period of request: (month/day/year) From: 8/9/11 To: 6/1/12	Local board approval date **or** SELPA signature date (required) February 14, 2012	

LEGAL CRITERIA

2. Authority for the waiver: X Specific code section: ***EC* 56101**

56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under…(IDEA)… or to the compliance of a district, special education local plan area, or county office with...(IDEA)…and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

***Education Code* or *California Code of Regulations* section to be waived.**

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.

Desired outcome/rationale.

Request a waiver of the (above) Algebra I graduation requirement for ID # 16084_____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the __2011/2012_____ school year under current statute.

District/County/SELPA Certification – *I hereby certify that the information provided on this application is correct & complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

AIGR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Waiver of Algebra I Graduation Requirements for Pupils with Disabilities

Send Original to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
3	4	7	5	2	8	3

Local educational agency: Natomas Unified School District	Contact name and recipient of approval/denial notice: Julie Kehoe	Contact person's e-mail address: jkehoe @natomas.k12.ca.us
Address: (City) (State) (ZIP) 1901 Arena Blvd. Sacramento CA 95834		Phone (and extension, if necessary): (916) 567-5434 Fax number: (916) 567-5441
Period of request: (month/day/year) From: 8/16/2011 To: 5/24/2012	Local board approval date **or** SELPA signature date (required) 2/21/2012	

LEGAL CRITERIA

3. Authority for the waiver: X Specific code section: ***EC* 56101**

56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under…(IDEA)… or to the compliance of a district, special education local plan area, or county office with...(IDEA)…and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

***Education Code* or *California Code of Regulations* section to be waived.**

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.

Desired outcome/rationale.

Request a waiver of the (above) Algebra I graduation requirement for 5 pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the 2011-2012 school year under current statute.

District/County/SELPA Certification – *I hereby certify that the information provided on this application is correct & complete.*

Signature of Superintendent or Designee: Walt Hanline	Title: Interim Superintendent	Date: 2/22/2012
Signature of SELPA Director (only if a Special Education Waiver) Judith Holsinger		Date: 2/21/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

AIGR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Waiver of Algebra I Graduation Requirements for Pupils with Disabilities

Send Original to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						

Local educational agency: San Dieguito Union High School District	Contact name and recipient of approval/denial notice: May Manookian	Contact person's e-mail address:may.manookian@sduhsd.net
Address: (City) (State) (ZIP) 710 Encinitas Blvd, Encinitas, CA 92024		Phone (and extension, if necessary): 760-753-6491, ext 5557 Fax number: 760-634-0676
Period of request: (month/day/year) From: 08/30/11 To: 06/30/12	Local board approval date **or** SELPA signature date (required) 02/16/2012	

LEGAL CRITERIA

4. Authority for the waiver: X Specific code section: ***EC* 56101**

56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under…(IDEA)… or to the compliance of a district, special education local plan area, or county office with...(IDEA)…and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

***Education Code* or *California Code of Regulations* section to be waived.**

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.

Desired outcome/rationale.

Request a waiver of the (above) Algebra I graduation requirement for____1_____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the _2011-2012_____ school year under current statute.

District/County/SELPA Certification – *I hereby certify that the information provided on this application is correct & complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Summary Table

Waiver Number	Local Educational Agency	Demographics	Period of Request	Local Board Approval Date	Meets Streamlined Waiver Policy
146-2-2012	Conejo Valley Unified SD Seven students	Conejo Valley Unified SD is located in an urban area in Ventura County with a student population of 21,091.	8/24/2011 – 6/12/2012	2/22/2012	Yes API of 876
177-2-2012	Lindsay Unified SD One student	Lindsay Unified SD is located in a rural area in Tulare County with a student population of 4,150.	8/9/2011 – 6/1/2012	2/14/2012	No
141-2-2012	Natomas Unified SD Five students	Natomas Unified SD is located in a rural area in Sacramento County with a student population of 12,350.	8/16/2011 – 5/24/2012	2/21/2012	No
150-2-2012	San Dieguito Union HSD One student	San Dieguito Union HSD is located in an urban area in San Diego County with a student population of 12,401.	8/30/2011 – 6/30/2012	2/16/2012	Yes API of 887

ITEM #W-08

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Alpine Union Elementary School District**, 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), allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum). Kristen Kelly Blankenship is assigned to **Alpine Elementary School.** Waiver Number: 31-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions: the district must provide instructional aide time of at least five hours daily whenever the resource specialist's caseload exceeds 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 PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This district meets the criteria for the SBE Streamlined Waiver Policy, available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc, achieving an Academic Performance Index (API) of 800 or above in the current scoring cycle. Therefore this waiver has been scheduled for the consent calendar. Alpine Union Elementary School District has a 2010 API of 857.

California *Education Code* (*EC*) Section 56101 allows the State Board of Education (SBE) to waive any provision of *EC* or regulation if the waiver is necessary or beneficial when implementing a student individualized education program (IEP). *California Code of Regulations*, Title 5, specifically allows the SBE to approve waivers for resource specialists providing special education services to allow them to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in these regulations which must be met for approval, and if these requirements are not met, the waiver must be denied:

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION (Cont.)

(1) The requesting agency demonstrates to the satisfaction of the SBE: (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions; and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

(2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

(3) The waiver confirms that the students served by an affected resource specialist will receive all of the services called for in their individualized education programs.

(4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs, participated in the waiver's development.

(5) The waiver demonstrates to the satisfaction of the SBE that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to: (A) the resource specialist's pupil contact time and other assigned duties; and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and the behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

The SBE receives about a dozen waivers of this type each year, and approximately 90 percent are approved. Due to the nature of this type of waiver, they are almost always retroactive.

SUMMARY OF KEY ISSUES

A resource specialist is a credentialed teacher who provides instruction and services to children with IEPs that are with regular education teachers for the majority of the school day. Resource specialists coordinate special education services with general education programs for his or her students.

The resource specialist, Kristen Kelly Blankenship, is a full-time employee of the Alpine Union Elementary School District for the current school year (2011−12). When Ms. Blankenship was contacted by the CDE on February 17, 2012, she affirmed her support for the waiver noting that the growth in the student population needing special education services necessitated the request. The district is providing six hours of instructional aid time to assist Ms. Blankenship with the increased caseload.

SUMMARY OF KEY ISSUES (Cont.)

Ms. Jeanne Prins, President, Alpine Teachers Association (ATA), verified the ATA's supportive position of the waiver on February 17, 2012.

The Department recommends waiver approval. 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.

Demographic Information: Alpine Union Elementary School District has a student population of 2,048 and is the small city of Alpine in San Diego County.

Authority for Waiver: *EC* Section 56362(c), 5 *CCR* 3100

Period of request: January 20, 2012, to June 30, 2012

Local board approval date(s): January 20, 2012

Bargaining unit(s) consulted on date(s): Alpine Teachers Association

Name of bargaining unit/representative(s) consulted: Jeanne Pins, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose

Comments (if appropriate): The transient nature of the school site impacts caseload and efforts are ongoing to ensure that appropriate interventions are in place so that students are served before a referral to special education is necessary.

Date(s) consulted: February 17, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver(s) approval.

ATTACHMENT(S)

Attachment 1: Alpine Union Elementary School District; Specific Waiver Request for Resource Specialist Caseload (4 Pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD

SW-RSC (Rev. 6-23-2010) http://www.cde.ca.gov/re/lr/wr/

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and
back-up material to: waiver@cde.ca.gov

CD CODE						
3	7	6	7	9	6	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Alpine Union School District	Deann Jeffreys	djeffreys@alpineschools.net

Address:	City:	Zip	Phone (and extension, if necessary):
1323 Administration Way	Alpine	91901	619-445-3236 Fax number: 619-445-7045

Period of request: (month/day/year)	Date approved by district board or COE board, SELPA, or other public education agency as defined by *EC* Section 56500.
From: January 20, 2012 To: June 30, 2012	

LEGAL CRITERIA

1. Authority for the waiver:

Education Code (EC) Section 56101, and *California Code of Regulations (CCR),* Title 5, Section 3100, resource specialist caseload waiver: "A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in *EC* Section 56362(c), only if the waiver is necessary or beneficial to either; (1) to the content and implementation of a pupil's individualized educational plan (IEP) and does not abrogate any right provided individuals with exceptional needs by specified federal law or; (2) to the agency's compliance with specified federal law."

2. *Education Code* Section to be waived: *EC* 56362 (c): No resource specialist shall have a caseload that exceeds 28 students.

Note: the waiver request may be up to but no more than 4 students above the statutory caseload (32 students maximum).

3. Requesting a caseload waiver for: _1____ (number) of resource specialists.

Please use separate SW-RSC form for Resource Specialist (RS) teachers who agree with the waiver request, and those who disagree with the waiver request.

Resource specialist(s) name:	Assigned school and mailing address:
1.____Kristen Kelly Blankenship_____; at	Alpine Elementary 1850 Alpine Blvd., Alpine, Ca 91901
2._____; at	
3._____; at	
4. _____; at	

Please add list of additional teacher names and schools/district as needed.

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD

SW-RSC (Rev. 6-23-2010)

Per *CCR*, Title 5, Section 3100(d)(4) participation of the resource specialist teacher's bargaining unit is required in the waiver development.

Does (do) the resource specialist(s) belong to an employee bargaining unit(s)? ___ No _X__ Yes

If yes, please complete required information below:

Date(s) the bargaining unit(s) participated in the waiver development:

Name of bargaining unit and/name of representative(s) consulted: Jeanne Prins, President, Alpine Teachers Assoc.

Telephone contact for bargaining representative: 619-445-3245

The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose *(Please provide comments)*

Comments (if appropriate):

The transient nature of the school site impacts its caseload. The Association President is also the District Psychologist and is working with the Resource Specialist and the Site Principal to ensure that appropriate interventions are in place so that students are served prior to needing a referral to special education.

Note: For each resource specialist attached page 3 of 4 SW-RSC waiver request to be completed by the Administrator and page 4 of 4 SW-RSC waiver request to be completed by the Resource Specialist.

Certification- I hereby certify that the information provided on this application is correct and complete. I also certify this waiver request will never result in the same resource specialist having a caseload in excess of the statutory maximum for more than two years and that this waiver request will result in the resource specialist(s) above having the assistance of an instructional aide at least 5 hours daily.

Signature of Superintendent or Designee: **OR** Original Signature on Document mailed to address listed above	Title: Superintendent	Date: 1/20/2012
Signature of SELPA Director: Original Signature on Document mailed to address listed above		Date: 1/20/2012

Note: If this waiver request comes from a SELPA Director, a vote by the district of COE governing board is not necessary. Please put the date of SELPA approval in the approval box on the first page of this waiver. This will speed processing.

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Is there a Complaint or Compliance issue regarding Resource Specialist for the LEA ? Yes ___ No ___

Staff *(Type or print)*:	Staff *(Signature)*:	Date:
Unit Manager *(Type or print)*:	Unit Manager *(Signature)*:	Date:
Division Director *(Type or pint)*:	Division Director *(Signature)*:	Date:
Deputy *(Type or print)*:	Deputy *(Signature)*:	Date:

SW-RSC (Rev. 6-23-2010)

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the ADMINISTRATOR

1. SELPA/District/COE Name: Alpine Union Elementary School District	2. Name of Resource Specialist*: Kristen Kelly Blankenship
3. School/District Assignment: Alpine Elementary School	4. Status: ___ permanent __X_ probational ___ temporary
5. Number of students: (caseload) proposed _32_ students	6. Full time Equivalent (FTE%): 100%
7. Number of periods or hours taught by Resource Specialist: ___ periods _6_ hours	8. Average number of students per hour taught: 5.3

8. Indicate amount of Instructional Aide Time _6_ (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):**

9. 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):

Special education services are closely monitored by the site and district administrators. The resource schedule is carefully structured in a way that allows students' needs to be appropriately met, even with the increased caseload. Students are served based on IEP goals in grade level groups, and time is built in for students who need 1-1 assistance both in pull-out and push-in settings. The RSP teacher has been provided with release time to conduct assessments and hold IEP meetings, as needed.

10. Explain what extraordinary fiscal or program circumstances resulted in this request for excess caseload, per *CCR*, Title 5, Section 3100(d):

Alpine Elementary School is the school with the highest rate of transiency. The caseload excess has been a direct result of students placed in foster care group homes within the school's attendance area with IEPs and also students who have moved in from out of district with IEPs.

11. 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):

9 students are in fifth grade and will promote to middle school next year, resulting in a lower caseload next year.

Certification – I hereby certify that the information provided on this application is correct and complete.

Administrator/Designee Name *(Type or print)*: Deann Jeffreys	Title: Director of Human Resources and Pupil Services
Authorized/Designee Signature: Original Signature on Document mailed to address listed above	Date: 1/20/2012
Telephone number (and extension): 619-445-3236	Fax Number: 619-445-7045

*****Resource Specialist as defined in *EC* Section 56362.5

SW-RSC (Rev. 6-23-2010)

SPECIFIC WAIVER REQUEST FOR RESOURCE SPECIALIST CASELOAD
To be completed by the RESOURCE SPECIALIST (Teacher)

Name: Kristen Kelly Blankenship	Assigned at: Alpine Elementary School

1. Is the information in Items 1-9 on the attached SW-RSC-Administrator form an accurate reflection of your current assignments, personal data, FTE, your caseload, number of periods taught and average number of students?
YES _X__ NO ___ If not, please state where you believe these facts or numbers differ:

2. Will all students served received all of the services called for in their IEP's? Can you reasonably manage the excess caseload in relation to the programmatic condition you face, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session, and intensity of student instructional needs. Explain below.
Yes, all students receive services towards goals as directed by the IEP.

3. Can you reasonably manage the excess caseload in relation to your student contact time, and other assigned duties? Explain below.

Yes, aide is reasonable and support at the school and district level is available.

4. *EC* Section 56362(c) states that no resource specialist shall have a caseload which exceeds 28 students, per *CCR*, Title 5, Section 3100 Regulations allow your agency to request a waiver of the *EC*, providing certain conditions are met, and that in no circumstance may your caseload be raised to above 32 students.

Indicate your position regarding this waiver request by a check mark in one box.

__X_ AGREE – to the increase in my student caseload from 28 students to not more than 32 students.

____ DISAGREE – to an increase in my student caseload over the 28 students. If disagreeing, provide rational below:

5. Indicate a check mark in the appropriate box:

_X__ I did not have a student caseload of more than 28 during the last school year.

___ I did have a student caseload of more than 28 during the last school year. If yes, please respond below:

(a) Did you have an approved waiver for this caseload?

(b) Specify which months/weeks you were over caseload: ___ to ___

(c) Other pertinent information?

___ I have had a student caseload of **more than** 28 for **MORE** than **Two consecutive years**.

Instructional Aide time currently receiving

_6_ Hours (prior to increased caseload).

Any additional aide time with this waiver?

_6__ Total hours after increase.

Resource Specialist Signature:	Date Signed:	Telephone/extension: 619-445-2625
Original Signature on Document mailed to address listed above	1/20/2012	Fax Number: 619-445-0484

ITEM #W-09

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by 12 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: Butte County Office of Education 99-1-2012 Calexico Unified School District 130-2-2012 Cascade Union Elementary School District 34-11-2011 El Centro Elementary School District 118-2-2012 Imperial County Office of Education 127-2-2012 Imperial Unified School District 37-1-2012 Madera County Office of Education 27-12-2011 Meadows Union Elementary School District 97-1-2012 South Bay Union Elementary School District 81-2-2012 Tehama County Office of Education 23-1-2012 Woodland Joint Unified School District 82-12-2011 Yolo County Office of Education 71-12-2011	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends that the State Board of Education (SBE) approve the request from 12 local educational agencies (LEAs) to provide extended school year (ESY) services for fewer than 20 days with the condition that 80 hours or more of instruction be provided. (A minimum of 76 hours of instruction may be provided if a holiday is included.) Also, special education and related services offered during the extended year period must be comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations,* Title 5, (5 *CCR*), Section 3043(d).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In the past, the SBE approved waivers to allow school districts to provide the required minimum amount of instruction in fewer days during the ESY for special education students.

In the past, all of these waivers have been approved by the SBE. Extended school year is the term for the education of special education students “between the close of one academic year and the beginning of the next,” similar to a summer school. It must be provided for each individual with exceptional needs whose individualized education program (IEP) requires it. Local educational agencies may request a waiver to provide an ESY program for fewer days than the traditional model.

SUMMARY OF KEY ISSUES

The Butte County Office of Education (COE) proposes to provide ESY services utilizing a 15-day model of five and one half hours of instruction per day to align with district calendars where classes are located and allow students with disabilities more opportunities to interact with their typically developing peers.

The Calexico Unified School District (USD) proposes to provide ESY services utilizing a 16-day model over a four week period of four and three quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The district notes that a drop in attendance occurs when services are extended beyond a four-week period and believes student learning can be maximized by modifying the calendar as proposed.

The Cascade Union Elementary School District (SD) proposes to provide ESY services utilizing a 15-day model over a three week period of five and one half hours of instruction per day. For health reasons, a shorter summer school calendar accommodates medically fragile students who travel long distances in the heat.

The El Centro Elementary SD proposes to provide ESY services utilizing a 16-day model over a four week period of four and three quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The district notes that a drop in attendance occurs when services are extended beyond a four-week period and believes student learning can be maximized by modifying the calendar as proposed.

The Imperial COE proposes to provide ESY services utilizing a 16-day model over a four week period of four and three quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The Imperial COE believes that an increase in daily instructional time over a period of 16 days will result in educational benefit for students.

The Imperial USD proposes to provide ESY services utilizing a 14-day model of five and three quarter hours of instruction per day to maximize student learning and to align with the general education summer school calendar.

SUMMARY OF KEY ISSUES (Cont.)

The Madera COE proposes to provide ESY services utilizing a 15-day model of five and one half hours of instruction per day. The longer day provides students with moderate/severe disabilities greater consistency and increased opportunities to interact with typically developing peers, as it aligns better with the regular school day and the district summer school calendar, respectively.

The Meadows Union Elementary SD proposes to provide ESY services utilizing a 16-day model over a four week period of four and three quarter hours per day, providing the same number of instructional hours equal to the traditional 20-day calendar, including holidays. The modified calendar aligns with programs throughout the Imperial COE where the district transports students with severe disabilities to receive services.

The South Bay Union SD proposes to provide ESY services utilizing a 15-day model over a three week period of five and one half hours of instruction per day. Due to a modification of the district calendar to align with the secondary schools in the area, there are only 22 days in between the end of the current academic year and the beginning of the 2012-13 academic year during which to provide ESY services.

The Tehama COE proposes to provide ESY services utilizing a 15-day model, four hours per day for the preschool program and five and one half hours per day for the secondary program. In either case, the required instructional minutes will be provided and the longer day aligns better with the typical school day for all grade levels served.

The Woodland Joint USD proposes to provide ESY services utilizing a 16-day model over a four week period of five hours of instruction per day. A longer day ensures that all instructional minutes are met and that regular and consistent quality staff can be retained.

The Yolo COE proposes to provide ESY services utilizing a 16-day model over a four week period of five hours of instruction per day. A longer instructional day aids the LEA in fulfilling IEP’s and aligns with the summer school calendars within the district at its host schools.

For the purposes of reimbursement for average daily attendance, an ESY program:

- Must provide instruction of at least as many minutes over the shorter period as would have been provided during a typical 20-day program;

- Must be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the IEP to meet a pupil's unique needs; and

SUMMARY OF KEY ISSUES (Cont.)

- Must offer special education and related services during the extended year period that are comparable in standards, scope, and quality to the special education program offered during the regular academic year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, of any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENTS

Attachment 1: Summary Table (3 pages)

Attachment 2: Butte County Office of Education General Waiver Request 99-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Calexico Unified School District General Waiver Request 130-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Cascade Union Elementary School District General Waiver Request 34-11-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: El Centro Elementary School District General Waiver Request 118-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Imperial County Office of Education General Waiver Request 127-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENTS

Attachment 7: General Waiver Request 37-1-2012 Imperial Unified School District (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Madera County Office of Education General Waiver Request 27-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: General Waiver Request 97-1-2012 Meadows Union Elementary School District (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: General Waiver Request 81-2-2012 South Bay Union School District (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Tehama County Office of Education General Waiver Request 23-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 12: Woodland Joint Unified School District General Waiver Request 82-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Yolo County Office of Education General Waiver Request 71-12-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Extended School Year Waivers

Waiver Number	Local Education Agency	Period of Request	Demographics	Local Board approval date	Bargaining Unit	Position of Bargaining Unit	Advisory Committee or School Site Council	Position of committee/ council
99-1-2012	Butte COE	01/20/2012 – 07/30/2012	A student population of 380 is served throughout Butte County in various special day classes/centers	2/13/12	Butte County Teacher's Ass'n (BCTA) on 01/10/2012; CSEA Local #436 on 01/17/2012; CSEA Local #736 on 01/11/2012	BCTA supports; #436 supports; #736 is neutral	Mesa Vista School Leadership Team on 01/13/2012	no objections
130-2-2012	Calexico USD	06/11/2012 – 07/06/2012	Located in a rural city in Imperial County w/student population of 9,167	2/9/12	Calexico Teacher's Ass'n (CTA) on 02/09/2012; CSEA Chapter #399 on 02/02/2012	Support	Community Advisory Committee on 01/24/2012	no objections
34-11-2011	Cascade Union Elementary School District (SD)	06/11/2012 – 06/29/2012	Located in a rural area in Shasta County w/student population of 1400	11/10/11	Anderson Cascade Teacher's Ass'n on 10/26/2011; CSEA on 10/27/2011; Teamsters on 10/27/2011	Support	Verde Vale Site Council on 01/17/2012; Meadow Lane Site Council on 02/02/2012; Anderson Middle School Site Council on 02/06/2012; Anderson Heights Site Council on 02/08/2012	no objections from any of the four site councils consulted
118-2-2012	El Centro Elementary SD	06/11/2012 – 07/06/2012	Located in a rural city in Imperial County w/student population of 5,640	2/14/12	El Centro Elementary Teacher's Ass'n (ECETA) on 01/06/2012; CSEA Chapter #595 on 01/10/2012	ECETA supports; CSEA is neutral	Community Advisory Committee on 01/24/2012	no objections

Waiver Number	Local Education Agency	Period of Request	Demographics	Local Board approval date	Bargaining Unit	Position of Bargaining Unit	Advisory Committee or School Site Council	Position of committee/ council
127-2-2012	Imperial COE	06/11/2012 – 07/06/2012	A student population of 531 is served throughout Imperial County in 16 districts providing regionalized services (moderate to severe intellectual disabilities)	2/6/12	Imperial COE Teacher's Ass'n on 02/02/2012; CSEA Chapter #614 on 02/02/2012	Neutral	Imperial COE School Site Council on 02/03/2012	no objections
37-1-2012	Imperial USD	06/18/2012 – 07/06/2012	Located in a rural city in Imperial County w/student population of 3,692	1/26/12	Imperial Teacher's Ass'n on 01/03/2012	Support	Community Advisory Committee on 01/18/2012	no objections
27-12-2011	Madera County Office of Education (COE)	01/01/2012 – 06/30/2013	A student population of 375 is served throughout Madera County in a small city as well as mountainous rural areas	12/13/12	California Teacher's Ass'n (CTA) on 12/05/2011; California School Employees Ass'n (CSEA) on 12/08/2011	Neutral. CTA concerned about fewer instructional days for students and loss of extended pay for teachers	Community Advisory Committee on 12/08/2011	no objections
97-1-2012	Meadows Union Elementary SD	06/11/2012 – 07/06/2012	Located in a rural area in Imperial County w/student population of 486	2/14/12	Meadows Union Teacher's Ass'n on 01/20/2012	Neutral; the one and only teacher affected by this waiver is in support	School Site Council Committee on 01/25/2012	no objections
81-2-2012	South Bay Union SD	06/25/2012 – 07/27/2012	Located in a small city in San Diego County w/student population of 7,708	2/9/12	South West Teacher's Ass'n on 01/19/2012; CSEA, Chapter #59 n 01/19/2012	Support	District Advisory Committee and Military Parent Council on 01/17/2012	no objections

Waiver Number	Local Education Agency	Period of Request	Demographics	Local Board approval date	Bargaining Unit	Position of Bargaining Unit	Advisory Committee or School Site Council	Position of committee/ council
23-1-2012	Tehama COE	06/11/2012 – 06/11/2013	Participating districts located in small towns/cities in rural Tehama County w/student population of approximately 160 (preschool thru adult)	1/18/12	Tehama County Certificated Employees' Organization on 12/08/2011 and 12/09/2011; CSEA on 01/09/2012	Support	Community Advisory Committee on 12/08/2011	no objections
82-12-2011	Woodland Joint Unified School District (USD)	06/18/2012 – 07/13/2012	Located in a small city in Yolo County w/student population of 10,227	1/26/12	Woodland Education Ass'n (certificated) on 01/24/2012; Woodland Chapter #118 (CSEA) on 01/24/2012	Support	Community Advisory Committee/Yolo County SELPA on 01/30/2012	no objections
71-12-2011	Yolo COE	06/18/2012 – 07/13/2012	Located in a small city in Yolo County w/student population of 110	12/13/11	Yolo Education Ass'n on 12/09/2011; CSEA on 12/14/2011	Support	Community Advisory Committee/Yolo County SELPA on 01/30/2012	no objections

Created by the California Department of Education
April 26, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
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Local educational agency: **Butte County Office of Education**	Contact name and Title: **Steve Olmos, Assistant Superintendent**	Contact person's e-mail address: **solmos@bcoe.org**
Address: (City) (State) (ZIP) **1859 Bird Street Oroville CA 95965**		Phone (and extension, if necessary): **530-532-5757** Fax Number: **532-532-5794**
Period of request: (month/day/year) From: 1/20/12 To: 7/30/12	Local board approval date: (Required) Monday, February 13, 2012	Date of public hearing: (Required) Monday, February 13, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number):): **5 CCR 3043** Circle One: *EC* or *CCR*

Topic of the waiver: **Extended School Year (ESY)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): **1) BCTA on 1/10/12**; **2) 436 on 1/17/12**; **3) 736 on 1/11/12**
Name of bargaining unit and representative(s) consulted: 1) Butte County Teachers Association: Sally Shea, Maria Gallardo; 2) 436: Pepe Villasenor, Vernoica Rosales, Rosa Orozcco, Jack Metcalf; 3) 736 Melissa Sanders, Bob Ross, Tammy Long, Penny Martinez, Jack Metcalf
The position(s) of the bargaining unit(s) BCTA : __ Neutral **X Support** __ Oppose (*Please specify why*)
The position(s) of the bargaining unit(s): 436 __ Neutral **X Support** __ Oppose (*Please specify why*)
The position(s) of the bargaining unit(s): 736 **X Neutral** __ Support __ Oppose (*Please specify why*)
Comments (if appropriate): None

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X_ Notice posted at each school _X__ Other: *(Please specify)* Posted at 3 public non BCOE school locations (Lincoln Center, BCOE, ROP)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

1/13/12 Date the committee/council reviewed the waiver request:
Committee that reviewed this waiver: Mesa Vista School Leadership Team

Were there any objection(s)? **No X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). 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.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Due to the current fiscal crisis in California, the Butte County Office of Education (BCOE) 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.

   Fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs. Additionally, the operation of ESY for 15 days instead of 20 will better match the district calendars of sites where BCOE classes are located allowing students more opportunities to be with their typically developing peers.

8. Demographic Information:
   (*District/school/program*)*The Butte County Office of Education has a special ed student population of 380 located in various Special Day Classes/Centers that are located in a areas throughout Butte County.*

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: _____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	3	6	3	0	9	9

Local educational agency: Calexico Unified School District	Contact name and Title: Michael McFadden, Director, Special Education and Student Support Services	Contact person's e-mail address: mmcfadden@calexico.k12.ca.us
Address: (City) (State) (ZIP) 901 Andrade Avenue, Calexico, California, 92231		Phone (and extension, if necessary): 760-768-3888 ext. 3025 Fax Number: 760-768-3871
Period of request: (month/day/year) From: June 11, 2012 To: July 6, 2012	Local board approval date: (Required) February 09, 2012	Date of public hearing: (Required) February 09, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **Title 5, 3043** (d) Circle One: ***CCR***

   Topic of the waiver: An Extended Year program shall be provided for a minimum of 20 days, including holidays.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 09, 2012 and February 02 , 2012

   Name of bargaining unit and representative(s) consulted: **Calexico Teachers' Association (ECETA), Mr. Enrique Cervantes, CTA President**

   California School Employees Association (CSEA) Chapter #399, Ms. Maria Bravo, CSEA President

   The position(s) of the bargaining unit(s): _ _ Neutral XX Support __ Oppose (*Please specify why*)
   CTA is in support of the waiver request and CSEA is in support of this waiver request.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   __ _ Notice in a newspaper X Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: Community Advisory Meeting – January 24, 2012

Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

CCR 3043 (d) An extended year program shall be provided for a minimum of ~~20~~ instructional days, including holidays.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

CUSD is proposing to operate a four week Extended School Year program for four days per week, 4.75 hours per day (16 days x 4.75 hours = 76 hours). The District will be providing the same number of instructional hours (76 hours) as provided within the 20 instructional day calendar, including holidays (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period. This will help to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction during the final week of the ESY program. We believe we will be able to maximize student learning by modifying the ESY schedule to four days per week with extended daily time.

8. Demographic Information:
Calexico Unified School District has a student population of 9,167 and is located in a rural city in Imperial County

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent Richard P. Fragale	Date: 02/21/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	5	6	9	9	1	4

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Cascade Union Elementary School District	Harley North, Interim Superintendent	hnorth@cuesd.com

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1645 W. Mill Street	Anderson	CA	96007	(530) 378-7000, ext. 7112 Fax Number: (530) 378-7001

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 06/11/2012 To: 06/29/2012	November 10, 2011	November 10, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Topic of the waiver: CCR, Title 5, Section 3043 (g)(1); and 2)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Anderson California Teacher Association 10/26/2011; California Schools Employee Association 10/27/11; Teamsters 10/27/11

Name of bargaining unit and representative(s) consulted: President Kathleen Haagenson, ACTA; President Peggy Barker, CSEA; Marge Bowman, Teamsters Vice President

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

Ea 12/5/11

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify) Name of district and/or regional provider*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Community Advisory Committee
Date the committee/council reviewed the waiver request: 11/10/11 ea 12/5/11

Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Requested by Cascade Union Elementary School District to waive California Code of Regulation (CCR), Title 5, Section 3043 (d) which requires a minimum of 20 school days of attendance (with varied minutes depending on grade level of students) for an extended school year for special education students.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Cascade Union Elementary School District 1. Provide within 15 days of increased minutes, the time equal to the normally provided 20 days as required by **CCR, Title 5, Section 3043 (g) (1); and 2)** only 15 days of special education average daily attendance (ADA) may be claimed for this serviced.

Medically fragile students are traveling long distances in the summer heat. It is better for their health to stay longer on days they are already at school than have additional travel.

8. Demographic Information:
Cascade Union Elementary School District has a student population of 1,400 and is located in a rural area in Shasta County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Interim Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: _X__

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	3	6	3	1	2	3

Local educational agency: El Centro Elementary School District	Contact name and Title: Janice Lau, Director, Special Education and Student Support Services	Contact person's e-mail address: jlau@ecesd.org
Address: (City) (State) (ZIP) 1256 Broadway, El Centro, California, 92243		Phone (and extension, if necessary): 760-352-5712 ext. 534 Fax Number: 760-370-3221
Period of request: (month/day/year) From: June 11, 2012 To: July 6, 2012	Local board approval date: (Required) February 14, 2012	Date of public hearing: (Required) February 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **Title 5, 3043** (d) Circle One: ***CCR***
Topic of the waiver: An Extended Year program shall be provided for a minimum of 20 days, including holidays.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **71-2-2011-W-24** and date of SBE Approval: **May 12,2011**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 6, 2012 and January 10, 2012

Name of bargaining unit and representative(s) consulted: **El Centro Elementary Teachers' Association (ECETA), Mrs. Shealynn Smith-Barker, ECETA President**

California School Employees Association (CSEA) Chapter #595, Mr. Ramas Morrison, CSEA President

The position(s) of the bargaining unit(s): _X_ Neutral _X_ Support __ Oppose (*Please specify why*)
ECETA is in support of the waiver, and CSEA is neutral.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

__X_ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: SELPA Community Advisory Committee

Date the committee/council reviewed the waiver request: Community Advisory Meeting – January 24, 2012

Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

CCR 3043 (d) An extended year program shall be provided for a minimum of ~~20~~ instructional days, including holidays.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

ECESD is proposing to operate a four week Extended School Year program for four days per week, 4.75 hours per day (16 days x 4.75 hours = 76 hours). The District will be providing the same number of instructional hours (76 hours) as provided within the 20 instructional day calendar, including holidays (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period. This will help to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction during the final week of the ESY program. This was particularly evident when the District offered a five week program and the instructional days extended beyond four weeks. We believe we will be able to maximize student learning by modifying the ESY schedule to four days per week with extended daily time.

8. Demographic Information:
El Centro Elementary School District has a student population of 5,640 and is located in a rural city in Imperial County

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: __X__

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	3	1	0	1	3	2

Local educational agency: Imperial County Office of Education	Contact name and Title: Deborah E. Montoya, Sr. Director, Special Education	Contact person's e-mail address: dmontoya@icoe.org
Address: (City) (State) (ZIP) 1398 Sperber Rd. El Centro, CA 92243		Phone (and extension, if necessary): 760-312-6428 Fax number: 760-312-6530
Period of request: (month/day/year) From: June 11, 2012 To: July 6, 2012	Local board approval date: (Required) February 6, 2012	

LEGAL CRITERIA

1. Authority for the waiver: Special Education___ Specific code section: 56101
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.
Education Code Section 56101: (a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the Individuals with Disabilities Education Act (20 U.S.C. Sec, 1400 et seq.), or to the compliance of a district, special education local plan area, or county office with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and federal regulations relating thereto.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: Title 5, 3043 (d) Circle One: *CCR*

Brief Description of the topic of the waiver: An Extended Year Program shall be provided for a minimum of 20 days, including holidays.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: **36-3-2011-W-27** and date of SBE approval: **May 12, 2011**
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 02-02-2012

Name of bargaining units and representative(s) consulted: Imperial County Office of Education Teacher's Association, Yolanda Bento, President and California School Employees Association Chapter 614, Ruby Pacheco, President
The position(s) of the bargaining unit(s): __X_ Neutral ___ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

5. Advisory committee or school site council that reviewed the waiver. Name:
Imperial County Office of Education School Site Council

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request. Date advisory committee/council reviewed request: 02-03-2012

_X__ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No __X_ (If there were objections please specify)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

CCR 3043 (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The Imperial County Office of Education (ICOE) is proposing to operate a four week Extended School Year program for four days per week, 4.75 hours per day for a total of: 16 days x 4.75 hours = 76 hours. The ICOE will be providing the same number of instructional hours (76 hours) as provided within the 20 instructional day calendar, including one holiday (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in total days of attendance to 16 days over a four week period. The reduction in days will help to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. We have also found that there is a drop in attendance during the final week of the ESY program. This was particularly evident when the ICOE offered a five week program and the instructional days extended beyond four weeks. We believe we will be able to maximize student learning by modifying the ESY schedule to four days per week with the extended daily instructional time.

Furthermore, the ICOE serves 16 Districts by providing regionalized services for students with moderate to severe intellectual disabilities. Two of the 16 Districts that are served by the ICOE is El Centro Elementary School District (ECESD) and Calexico Unified School District (CUSD), which houses the majority of the ICOE classrooms within their respective communities. Both of the aforementioned District's has also made this same request for a reduction in total days of ESY. Should the ICOE and both the ECESD and CUSD be granted this waiver, transportation costs into the regionalized program would be less and thus benefit all of the remaining 15 Districts within the County. The ICOE feels that an increase in daily instructional time over a period of 16 days will result in educational benefit for our students, while supporting the needs of our local school districts. This waiver would also allow us to match our bell schedule to the district where our classrooms are operated which would allow for provision of FAPE and LRE.

8. Demographic Information:
(District/school/program): **Imperial County Office of Education** has a student population of **531** and is located in a **rural** County. The ICOE serves 16 Districts by providing regionalized services for students with moderate to severe intellectual disabilities.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) **X** No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:

Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	3	6	3	1	6	4

Local educational agency: Imperial Unified School District	Contact name and Title: Hector M Coronel, Director, Special Education	Contact person's e-mail address: hector@ivnet.org
Address: (City) (State) (ZIP) 219 North "E" Street, Imperial, CA 92251		Phone (and extension, if necessary): 760-362-3264 Fax Number: 760-355-3019
Period of request: (month/day/year) From: June 14, 2012 To: July 6, 2012	Local board approval date: (Required) January 26, 2012 (Specific Waiver) and January 26, 2012 (Gen. Waiver)	Date of public hearing: (Required) January 26, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **Title 5, 3043** (d) Circle One: ***CCR***
   Topic of the waiver: An Extended Year program shall be provided for a minimum of 20 days, including holidays.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 3, 2012

   Name of bargaining unit and representative(s) consulted: **Imperial's Association, Lisa Sotelo, ITA President**

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Community Advisory Meeting – January 18, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

CCR 3043 (d) An extended year program shall be provided for a minimum of ~~20~~ instructional days, including holidays.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

IUSD is proposing to operate a four week Extended School Year program for four days per week, 4.15 hours per day (14 days x 4.25 hours = 59.5 hours). There will be a reduction in days of attendance to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. Extended school year program will be the same as the general education summer school program. We have also found that there is a drop in attendance on Mondays and/or Fridays, as well as a reduction during the final week of the ESY program. This was particularly evident when the District offered a five week program and the instructional days extended beyond four weeks. We believe we will be able to maximize student learning by modifying the ESY schedule to four days per week.

8. Demographic Information:
Imperial Unified School District has a student population of 3,692 and is located in a rural city in Imperial County

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
2	0	1	0	2	0	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Madera County Office of Education	Cheryl Mohr, Director Special Education Program & Services	cmohr@maderacoe.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
28123 Ave. 14	Madera	CA	93638	(559) 662-4669 Fax Number: (559) 674-7468

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 1/1/2012 To: 6/30/2013	December 13, 2011	December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5 CCR 3043 Circle One: *EC* or *CCR*

Topic of the waiver: Extended School Year (ESY)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _177-12-2010-WC-9 and date of SBE Approval May 12, 2011 Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): December 5, 2011 (California Teacher Association);
December 8, 2011 (California School Employee Association)
Name of bargaining unit and representative(s) consulted: CTA: Camille Edmunds, Sharon Miller, Carl Diaz, Ardell Kinley, Steve Wimbish
CSEA: Linda Cleaver, Kellie Stiles
The position(s) of the bargaining unit(s): _X_ Neutral (CSEA) (CTA: with concerns) __ Support __ Oppose (*Please specify why*)
Comments (if appropriate): CTA expressed the following concerns: less instructional days for students; teachers lose ability to earn 20 days of extended pay; some teachers view as being forced to work days of ESY although actually fulfilling

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper __X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Committee Advisory Committee
Date the committee/council reviewed the waiver request: December 8, 2011

Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
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.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Madera County Office of Education (MCOE) proposes to provide Extended School Year (ESY) services to identified special education students utilizing a fifteen (15) day, five and one half (5 ½) hours of instructional model rather than the traditional model of twenty (20) day with four (4) hours of instruction. Students would receive the same total number of instructional minutes in fifteen (15) days due to a longer day that they would in twenty (20) shorter days of instruction. Because a change in routine is often difficult for students with moderate/severe disabilities, the longer school day for ESY will align better with the regular school year providing more consistency in instruction for the students served. Additionally, the operation of ESY for 15 days instead of 20 will better match the district calendars on sites where MCOE classes are located allowing students more opportunities to be with their typically developing peers. Fewer ESY days will also result in substantial savings in transportation, utilities, janitorial, food services, administration and clerical costs.

8. Demographic Information:
(*District/school/program):* The Madera County Office of Education has a student population of 375 in its special education programs in various Special Day Classes/Centers that are located in a small city and mountainous rural areas throughout Madera County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Madera County Superintendent of Schools	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _x__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	3	6	3	1	8	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Meadows Union Elementary School District	**Sue M. Hess, Superintendent**	**smhess@ivnet.org**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
2059 Bowker Road	**El Centro**	**CA**	**92243**	**760-352-7512 x2299** Fax Number: **760-337-1275**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **June 13, 2012** To: **July 8, 2012**	**February 14, 2012**	**February 14, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **Title 5, 3043 (** Circle One: ***EC*** or *CCR* **35256(c) & 35258**

Topic of the waiver: **An Extended Year Program shall be provided for a minimum of 20 days, including holidays**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 20, 2012

Name of bargaining unit and representative(s) consulted:
Meadows Union Teachers' Association – Dana Cato, Head Negotiator

The position(s) of the bargaining unit(s): _x_ Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate): Only one teacher is affected by the waiver and she is in support

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _x__ Notice posted at each school _x__ Other: *(Please specify)* Notice posted at two public areas frequented by school community members – Shell Gas Station and Country Life Mobile Home Park

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: January 25, 2012 - School Site Council Committee

Were there any objection(s)? No __x_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). 35256.

CCR 3043 (d) An extended year program shall be provided for a minimum of ~~20~~ instructional days, including holidays.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Meadows Union School District is proposing to operate a four week Extended School Year program for four days per week, 4.75 hours per day (16 days x 4.75 hours = 76 hours). The District will be providing the same number of instructional hours (76 hours) as provided within the 20 instructional day calendar, including holidays (19 days x 4 hours). The overall instructional time will remain the same; however, there will be a reduction in days of attendance to 16 days over a four week period. This will help to facilitate cost-effective services within the classroom, and reduce related costs for transportation, electricity, custodial services, administration, etc. The District transports severely handicapped students to the Imperial County Office of Education programs operated within the El Centro School District either at ICOE sites or at ECESD sites. These programs will be operating on a 4 day program during this summer period and Meadows Union School District will be aligned with those programs.

8. Demographic Information:
Meadows Union Elementary School District has a student population of ___486_____ and is located in a __rural area in __Imperial_____ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent/ Principal	Date: February 15, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	7	6	8	3	9	5

Local educational agency: South Bay Union School District	Contact name and Title: Russell Coronado, Director Student Services	Contact person's e-mail address: rcoronado@sbusd.org
Address: (City) (State) (ZIP) 601 Elm Ave., Imperial Beach, CA 91932		Phone (and extension, if necessary): 619-619-628-1660 Fax Number: 619-628-1669
Period of request: (month/day/year) From: June 25, 2012 To: July 27, 2012	Local board approval date: (Required) February 9, 2012	Date of public hearing: (Required) February 9, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

California Code of Regulations, Title 5, Section 3043(d)

Topic of the waiver: Extended school year for special education students

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _None_ and date of SBE Approval_None
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No x Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 1/19/12

Name of bargaining unit and representative(s) consulted: South West Teachers Association, Frank Cherry, President
California School Employees Association, Chapter 59, Linda Elliot, President

The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

__X_ Notice in a newspaper Notice posted at each school __X_ Other: *School District Office*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: January 17th, 2012 - District Advisory Committee and Military Parent Council.

Were there any objection(s)? No _X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6.

California Code of Regulations, Title 5, Section 3043(d), which requires a minimum of ~~20~~ school days of attendance for an extended school year (summer school) for special education students.

7.
South Bay Union School District is requesting a waiver to modify the required 20 day extended school year (ESY) program to 15 days, due to the circumstances described below. This request is for the current school year only (2011-12).

South Bay Union School District has approximately 100 students with IEPs who qualify for extended school year. There is no summer school program for any other students in the District. Beginning with the 2012-13 school year, the district will be modifying its school calendar to align with the area secondary schools, creating a much shorter time between school years. The last day of the regular 2011-12 school year is June 22nd for students and Teachers. The first day of the 2012-13 school year is July 25, 2012 for teachers and July 30th for Students. This shortened period provides only 22 days to hold an ESY session.

A 15 day ESY program combined with a shortened 15 day period in the summer with no school, would still allow the District to address the regression and recoupment needs of identified students. An additional benefit would be a greater likelihood that the students' teachers and aides will choose to work if the session is shorter.

The ESY program, for the purposes of reimbursement for average daily attendance, will provide instruction of at least as many minutes over the 14 day period as it would have during the typical 20 day ESY program and will receive the reimbursement for the 20 days of instruction

8.
South Bay Union School District is a K-6 District, with a 7-8 Charter School, and has a total student population of 7,708 students and is located in a small city in San Diego County. A total of 865 students have IEPs and 100 qualify for ESY.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee: Russell Coronado	Title: Director of Student Services	Date: February 10, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	2	1	0	5	2	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address: jhoward@ tehamaschools.org
TEHAMA CO. DEPT. OF EDUCATION	Julie Howard, Assistant SELPA Director	

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
1135 Lincoln Street Red Bluff CA 96080	530-528-7356 Fax Number: 530-529-4134

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: June 11, 2012 To: June 11, 2013	January 18, 2012	January 18, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Title 5, Section 3043 (d) Circle One: *EC* or *CCR*

Topic of the waiver: **Extended School Year (ESY)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: and date of SBE Approval
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): CTA - 12/8/11 and 12/9/11 CSEA - 1/9/12

Name of bargaining unit and representative(s) consulted: Tehama County Certificated Employees' Organization (CTA) Monica Miller, Exceptional Needs Preschool Teacher, Megan Curtis, Exceptional Needs Primary Teacher, Kelli Stroud Exceptional Needs High School and Adult Teacher, Susan Silva, District Psychologist and Bargaining Unit President. California School Employees Association (CSEA) Rhonda Latham, President.

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper ___ Notice posted at each school **X** Other: *(Please specify)* on line and on door to TCDE.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Community Advisory Committee

Date the committee/council reviewed the waiver request: December 8, 2011

Were there any objection(s)? No **X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**). California Code of Regulation (CCR), Title 5, Section 3043 – Extended School Year. Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection(f). ~~(d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The TEHAMA CO. DEPT. OF EDUCATION, Special Schools and Services Department, operates the ESY program(s) on behalf of the districts in the SELPA that have students that meet the eligibility criteria for participation in an Extended School Year (ESY) program.

   The TEHAMA CO. DEPT. OF EDUCATION, Special Schools and Services Department, is requesting a waiver to allow the County run (ESY) program to run for 15 days, including any holidays, instead of 20 days. The preschool program will run for 4 hours vs. 3 hours, resulting in the same number of hours, and the K-Adult program will run 5.5 hours vs. 4 hours which will provide an additional 2.5 hours of instruction. The longer ESY school day will align better with the typical school day for all grade levels served.

   Given the current fiscal crisis in California, fewer ESY days will result in substantial savings in transportation, utilities, janitorial, food service, administration and clerical costs.

8. Demographic Information:
   (*District/school/program)_The TEHAMA CO. DEPT. OF EDUCATION* and participating districts have a student population of approximately 160 students (preschool through adult) served in various Special Day Classes/programs that are located in small towns/cities in rural areas throughout Tehama County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: County Superintendent of Schools	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

XCALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	7	7	2	7	1	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Woodland Joint Unified School District	Mitzi Faulkner Director, Pupil Services	mitzi.faulkner@wjusd.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
435 Sixth Street	Woodland	Ca	95695	530-406-3176 530-666-4781 fax

Period of request: (month/day/year)	Local board approval date: (Required)
From: June 18, 2012 To: July 13, 2012	January 26, 2011

LEGAL CRITERIA

1. Authority for the waiver: Instructional Time Specific code section: 46206
   Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

   5 CCR 3043 - Extended School Year Services 3043. Extended School Year.
   (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
   Section to be waived: (number) 5 CCR 3043 Circle One: *EC* or ***CCR***
   Brief Description of the topic of the waiver:
   WJUSD would like to consolidate the instructional minutes into a four-day week for Extended School Year services; in an effort to save cost, retain regular and consistent quality staff, as well as fulfill all IEPs. We will operate ESY for 16 days.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval _____
   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

   Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 1/1-/2012

   Name of bargaining units and representative(s) consulted:
   Bobby Rogers, President, Woodland Education Association (Certificated)
   Elizabeth Reiff, President, Woodland Chapter #118 California Schools Employee Association (classified)

   The position(s) of the bargaining unit(s): ___ Neutral __x_ Support ___ Oppose (*Please specify why*)

   Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name:
   Donnell Kenworthy, President of Community Advisory Committee Yolo County SELPA Formal meeting to held January 30, 2012
   Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
   Date advisory committee/council reviewed request:

   ___ Approve ___ Neutral ___ Oppose

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

5 CCR 3043 - Extended School Year Services 3043. Extended School Year.
(d) An extended year program shall be provided for a minimum of ~~20~~ instructional days, including holidays.

*The waiver approval will provide "for a minimum of **16** instructional days, including holidays.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

WJUSD operates local programs as well as houses YCOE regionalized programs available to all districts within our SELPA. The proposed adjusted calendar of four-day-a-week with longer instructional days ensures all instructional minutes are met. It provides a cost saving through a reduction in costs for transportation, energy, janitorial, maintenance, administrative and other indirect charges, as well as transportation which is provided to outside districts within the SELPA by WJUSD.

8. Demographic Information:
Woodland Joint Unified School District has a student population of 10,227 and is located in *small city* in Yolo County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _x_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _**x**_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	7	1	0	5	7	9

Local educational agency: Yolo County Office of Education	Contact name and Title: Jane Plocher, Ed. D. Director Special Education	Contact person's e-mail address: jane.plocher@ycoe.org
Address: (City) (State) (ZIP) 1280 Santa Anita Court, Suite 100, Woodland, CA 95776		Phone (and extension, if necessary): Jane Plocher, Ed. D. Director Special Education 530.668.3789 Fax number: 530.668.3850
Period of request: (month/day/year) From: June 18, 2012 To: July 13, 2012	Local board approval date: (Required) December 13, 2011	

LEGAL CRITERIA

1. Authority for the waiver: Instructional Time Specific code section: 46206___
   Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

   5 CCR 3043 - Extended School Year Services 3043. Extended School Year.
   (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
   Section to be waived: (number) 5 CCR 3043 Circle One: *EC* or ***CCR***
   Brief Description of the topic of the waiver:
   Yolo County Office of Education would like to consolidate the instructional minutes into a four-day week for Extended School Year services; in an effort to save cost, retain regular staff and consistent quality staff, as well as fulfill all Individual Education Programs. We will operate ESY for 16 days. This is the same number of days our host district operated last year as well as

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval _____
   Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

   Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s):

   Name of bargaining units and representative(s) consulted:
   Robin Bent, President of Yolo Education Association (Certificated Bargaining group) and
   Shirley Reyes, President of California School Employees Association Chapter no. 639 (Classified Bargaining group)

   The position(s) of the bargaining unit(s): ___ Neutral _x__ Support ___ Oppose (*Please specify why*)

5. Advisory committee or school site council that reviewed the waiver. Name:
   Donnell Kenworthy, President of Community Advisory Committee Yolo County Special Education Local Plan Area
   Formal meeting to held January 30, 2012
   Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
   Date advisory committee/council reviewed request:

   ___ Approve ___ Neutral ___ Oppose
   Were there any objection? Yes ___ No _x__ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

5 CCR 3043 - Extended School Year Services 3043. Extended School Year.
(d) An extended year program shall be provided for a minimum of ~~20~~ instructional days, including holidays.

*The waiver approval will provide "for a minimum of **16** instructional days, including holidays."*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

YCOE only operates regionalized programs available to all the districts within our SELPA. We strive to operate on the school calendar of our host schools. We need to adjust the number of days we are operating our Extended School Year programs to match that of our districts and host schools. The proposed adjusted calendar of four-day-a-week with longer instructional days ensures all instructional minutes are met. It provides a cost saving by a reduction in costs for transportation, energy, janitorial, maintenance, administrative and other indirect charges.

8. Demographic Information:
Yolo County Office of Education-(regionalized special education programs) has a student population of 110 and is located in *small city areas* in Yolo County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _x_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _**x**_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: Jorge O Ayala	Title: Superintendent, Yolo County Office of Education	Date: Dec. 9, 2011
Signature of SELPA Director (only if a Special Education Waiver) Assist. Superintendent SELPA Camille Giomitti-May		Date: Dec. 9, 2011
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-10

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by seven local educational agencies to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section 11517.5(b)(1)(A) regarding the California English Language Development Test; or Title 5, Section 1225(b)(2)(A) regarding the California High School Exit Examination; or Title 5, Section 862(c)(2)(A) regarding the Standardized Testing and Reporting Program. Waiver Numbers: Coalinga-Huron Joint Unified School District 40-1-2012 Culver City Unified School District 43-1-2012 Fairfield-Suisun Unified School District 80-2-2012 Live Oak Elementary School District 154-2-2012 Santa Cruz City Elementary School District 69-1-2012 Santa Cruz City High School District 66-1-2012 Sutter County Office of Education 116-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has approved all waiver requests since the deadline for submission of the State Testing Apportionment Information Reports was added to the *California Code of Regulations (CCR)*, and the SBE Waiver Policy 08-#: State Testing Apportionment Informational Report Deadline (available at http://www.cde.ca.gov/re/lr/wr/documents/statetesting.doc).

Two of the local educational agencies (LEAs) meet the criteria for the SBE Streamlined Waiver Policy (available at http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc), achieving a Growth Academic Performance Index (API) score of 800 or higher in the current cycle. See last column on Attachment 1.

SUMMARY OF KEY ISSUES

The regulations for the State Testing Apportionment Information Report were amended in 2005 to include an annual deadline of December 31 for the return of the Apportionment Information Report for prior year testing for the California English

SUMMARY OF KEY ISSUES (Cont.)

Language Development Test (CELDT), the California High School Exit Examination (CAHSEE), and the Standardized Testing and Reporting (STAR) Program. The California Department of Education (CDE) sent letters in September 2005 announcing the new deadline in regulations to every LEA. This deadline was enacted to speed the process of final reimbursement of testing costs to the LEAs.

The LEAs filing for this waiver request missed the 2010-11 fiscal year deadline for requesting reimbursement due to budget cuts, reduction in staff, changes in administrative staff, and misfiled documents. Staff verified that these LEAs needed the waiver and that each LEA had submitted its report after the deadline.

These LEAs are now all aware of this important change in the timeline and understand that they must submit their reports to the Assessment Development and Administration Division for reimbursement. Therefore, the CDE recommends the approval of these waiver requests as required by regulation prior to final reimbursement.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Authority for Waiver: *EC* Section 33050

Period of request: December 31, 2011, to May 10, 2012

Local board approval date(s): Various dates

Public hearing held on date(s): Various dates

Bargaining unit(s) consulted on date(s): Various dates

Name of bargaining unit/representative(s) consulted: Various

Position of bargaining unit(s) (choose only one):
☒ Neutral ☒ Support ☐ Oppose

SUMMARY OF KEY ISSUES (Cont.)

Comments: The Fairfield-Suisun Unified Teachers Association is neutral to their school district's waiver request, while all other bargaining units are supportive.

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ Web site, district office, library, or board agenda

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: Various dates

FISCAL ANALYSIS (AS APPROPRIATE)

If the waivers are approved, these LEAs will be reimbursed for the costs of the STAR, CAHSEE, or the CELDT for the 2010–11 school year. Total costs are indicated on Attachment 1.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline - May 2012 (2 Pages)

Attachment 2: Coalinga-Huron Joint Unified School District General Waiver Request 40-1-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

Attachment 3: Culver City Unified School District General Waiver Request 43-1-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

Attachment 4: Fairfield-Suisun Unified School District General Waiver Request 80-2-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

Attachment 5: Live Oak Elementary School District General Waiver Request 154-2-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

Attachment 6: Santa Cruz City Elementary School District General Waiver Request 66-1-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

Attachment 7: Santa Cruz City High School District General Waiver Request 69-1-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

ATTACHMENT(S)

Attachment 8: Sutter County Office of Education General Waiver Request 116-2-2012 (1 Page) (Original waiver request is signed and on file in the Waiver Office)

Local Educational Agencies Requesting Waiver of State Testing Apportionment Information Report Deadline – May 2012

Local Educational Agency	Waiver Number	Period of Request	Test Report Missing	Report Submitted	Fiscal Year	Reimbursement Amount	Union Position	Streamlined Waiver Policy - API
Coalinga-Huron Joint Unified School District	40-1-2012	12-31-2011 to 5-10-2012	Standardized Testing and Reporting (STAR)	Yes	2010–11	$8,131.88	Support	No
Culver City Unified School District	43-1-2012	**Requested** 12-31-2011 to 2-28-2012 **Recommended** 12-31-2011 to 5-10-2012	California English Language Development Test (CELDT)	Yes	2010–11	$5,180.00	Support	Yes, 835
Culver City Unified School District	43-1-2012	**Requested** 12-31-2011 to 2-28-2012 **Recommended** 12-31-2011 to 5-10-2012	California High School Exit Examination (CAHSEE)	Yes	2010–11	$2,907.84	Support	Yes, 835
Fairfield-Suisun Unified School District	80-2-2012	**Requested** 12-31-2011 to 5-9-2012 **Recommended** 12-31-2011 to 5-10-2012	CELDT	Yes	2010–11	$19,550.00	Neutral	No
Live Oak Elementary School District	154-2-2012	**Requested** 12-31-2011 to 5-9-2012 **Recommended** 12-31-2011 to 5-10-2012	CELDT	Yes	2010–11	$3,455.00	Support	No

Local Educational Agency	Waiver Number	Period of Request	Test Report Missing	Report Submitted	Fiscal Year	Reimbursement Amount	Union Position	Streamlined Waiver Policy - API
Live Oak Elementary School District	154-2-2012	**Requested** 12-31-2011 to 5-9-2012 **Recommended** 12-31-2011 to 5-10-2012	STAR	Yes	2010–11	$3,995.32	Support	No
Santa Cruz City Elementary School District	69-1-2012	**Requested** 2-8-2012 to 6-15-2012 **Recommended** 12-31-2011 to 5-10-2012	CELDT	No	2010–11	$3,315.00	Support	Yes, 832
Santa Cruz City High School District	66-1-2012	**Requested** 2-8-2012 to 6-15-2012 **Recommended** 12-31-2011 to 5-10-2012	CELDT	No	2010–11	$2,095.00	Support	No
Sutter County Office of Education	116-2-2012	**Requested** 7-1-2011 to 6-30-2012 **Recommended** 12-31-2011 to 5-10-2012	CAHSEE	Yes	2010–11	$858.84	Support	No

CALIFORNIA DEPARTMENT OF EDUCATION
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Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in
back-up material to: waiver@cde.ca.gov

CD CODE						
1	0	6	2	1	2	5

Local educational agency: **Coalinga-Huron Joint Unified School District**	Contact name and recipient of approval/denial notice: **Joseph Casarez**	Contact person's e-mail address: **jcasarez@chusd.k12.ca.us**
Address: (City) (ZIP) **657 Sunset Street** **Coalinga** **93210**		Phone (and extension, if necessary): **(559) 935-7500** Fax number: **(559) 935-5329**
Period of request: From: **12/31/2011** to: **05/10/2012**	Local board approval date: (Required) **January 24, 2012**	Date of public hearing: (Required) **January 24, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one): **X** STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
__ CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
__ CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No **X** Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

Bargaining unit(s) consulted on date(s): 01-24-2012
Name of bargaining unit and representative(s) consulted: California School Employee Association/Carroll Canada Coalinga Huron Unified Teacher Association/Doug Nielson
The position(s) of the bargaining unit(s): ___ Neutral **X** Support ___ Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised? Ea 2/3/2012
__ Notice in a newspaper **X** Notice posted at each school ___ Other: *(Please specify)*

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) **Apportionment letter was misplaced at the District Office, and therefore not signed by the Superintendent and mailed to CDE by the December 31, 2011 deadline.**
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. **Apportionment Letter will be signed immediately upon receipt by the Superintendent and mailed to CDE by the deadline.**

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Associate Superintendent**	Date: **January 24, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
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1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in
back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	6	4	4	4	4

Local educational agency: Culver City Unified School District	Contact name and recipient of approval/denial notice: Eileen Carroll, Asst. Supt., Ed. Services	Contact person's e-mail address: eileencarroll@ccusd.org
Address: (City) (ZIP) 4034 Irving Place Culver City CA 90232		Phone (and extension, if necessary):310-842-4220 x4213 Fax number: 310-842-4274
Period of request: From 12/31/2011 to 2/28/2012	Local board approval date: (Required) January 24, 2012	Date of public hearing: (Required) January 24, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one): __ STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
_**X CAHSEE** – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
x CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No **X Yes** If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

Bargaining unit(s) consulted on date(s): 1/17/2012
Name of bargaining unit and representative(s) consulted: CCFT David Mielke; ACE Debra Hamme
The position(s) of the bargaining unit(s): ___ Neutral __**X**_ Support ___ Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
__ Notice in a newspaper __**X**_ Notice posted at each school _**X**__ Other: *(Please specify)* Website & District Office

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) Due to budget cuts, reduction in staff, and changes in Administrative staff, the Asst. Superintendent was unaware of the apportionment reports and deadlines.
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. Staff has been directed by Assistant Superintendent to log and track all CDE forms and deadlines.

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee: Eileen Carroll	Title: Assistant Superintendent Educational Services	Date: 2/1/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
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Send electronic copy in back-up material to: waiver@cde.ca.gov

CD CODE						
4	8	7	0	5	4	0

Local educational agency: Fairfield-Suisun Unified School District	Contact name and recipient of approval/denial notice: Tim Goree	Contact person's e-mail address: timg@fsusd.org
Address: (City) (ZIP) 2490 Hilborn Rd. Fairfield, CA 94533		Phone (and extension, if necessary): (707) 399-1200 Fax number: (707) 399-5164
Period of request: From December 31, 2011 to May 9, 2012	Local board approval date: (Required) 2/9/12	Date of public hearing: (Required) 2/9/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one):
   __ STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   __ CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
   _**X**_ CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X__ Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

   Bargaining unit(s) consulted on date(s): 1/24/12
   Name of bargaining unit and representative(s) consulted: FSUTA President Melanie Driver
   The position(s) of the bargaining unit(s): _X__ Neutral ___ Support ___ Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   _X_ Notice in a newspaper _X__ Notice posted at each school _X_ Other: *(Please specify)* District Website

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) The waiver requests the district apportionment for CEDLT assessment in the amount of $19,550. Please see attached.
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future.

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

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Sacramento, CA 95814

Send electronic copy in
back-up material to: waiver@cde.ca.gov

CD CODE						

Local educational agency: Live Oak Elementary School District	Contact name and recipient of approval/denial notice: Mary Sauter	Contact person's e-mail address:msauter@santacruz.k12.ca.us
Address: (City) (ZIP) 984 Bostwick Lane Santa Cruz CA 95062		Phone (and extension, if necessary): (831) 475-0767 Fax number: (831) 475-2638
Period of request: From 12/31/11 to 5/9/12	Local board approval date: (Required) January 17, 2012	Date of public hearing: (Required) January 17, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one): _**x**_ STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   __ CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
   _**x** CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No ___ Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

   Bargaining unit(s) consulted on date(s): January 17, 2012 Live Oak Elementary Teachers Association
   Name of bargaining unit and representative(s) consulted: Victoria Edgell, Vice President
   The position(s) of the bargaining unit(s): Neutral x Support Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   __ Notice in a newspaper x Notice posted at each school x Other: *(Please specify)*Library, District Office, Newspaper office

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). Due to recent changes in responsibilities and the winter holiday, there was a misunderstanding in procedure and the deadline was missed. Guidelines and procedures have been documented and put into a working binder for current and future coordinators to follow so that the deadline will not be missed in the future.

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 2/23/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
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Send electronic copy in
back-up material to: waiver@cde.ca.gov

CD CODE				
6	9	8	2	3

Local educational agency: Santa Cruz City High	Contact name and recipient of approval/denial notice: Eric Gross	Contact person's e-mail address: egross.sccs.net
Address: (City) (ZIP) 405 Old San Jose Road Soquel 95073		Phone (and extension, if necessary): 831 429-3410 x218 Fax number:
Period of request: From 2/8/2012 to 06/15/2012	Local board approval date: (Required) 02/08/2012	Date of public hearing: (Required) 02/08/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one):
   __ STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   __ CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
   _**X** CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

   Bargaining unit(s) consulted on date(s): 1/24/2012
   Name of bargaining unit and representative(s) consulted: GSCFT Barry Kirschen SCCCE Robert Chacanaca
   The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   __ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) *Misfiled documents and found after deadline date*.
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. A*nnual checklist will be effective immediately.*

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent Gary Bloom	Date: 02/11/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
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Sacramento, CA 95814

Send electronic copy in back-up material to: waiver@cde.ca.gov

CD CODE				
6	9	8	1	5

Local educational agency: Santa Cruz City Elementary	Contact name and recipient of approval/denial notice: Eric Gross	Contact person's e-mail address: egross.sccs.net
Address: (City) (ZIP) 405 Old San Jose Road Soquel 95073		Phone (and extension, if necessary): 831 429-3410 x218 Fax number:
Period of request: From 2/8/2012 to 06/15/2012	Local board approval date: (Required) 02/08/2012	Date of public hearing: (Required) 02/08/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one):
   __ STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   __ CAHSEE – *CCR*, Title 5, Section 1225(b)(2)(A) …postmarked by December 31…
   _**X** CELDT – *CCR*, Title 5, Section 11517.5(b)(1)(A) …postmarked by December 31…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

   Bargaining unit(s) consulted on date(s): 1/24/2012
   Name of bargaining unit and representative(s) consulted: GSCFT Barry Kirschen SCCCE Robert Chacanaca
   The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   __ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) *Misfiled documents and found after deadline date*.
5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future. A*nnual checklist will be effective immediately.*

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent Gary Bloom	Date: 02/11/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
AIRW (10-2-2009) http://www.cde.ca.gov/re/lr/wr/

STATE TESTING
APPORTIONMENT INFORMATION
REPORT WAIVER

Send original plus one copy to:
Word and
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in
back-up material to: waiver@cde.ca.gov

CD CODE						
5	1	1	0	5	1	2

Local educational agency: Sutter County Superintendent of Schools	Contact name and recipient of approval/denial notice: Dorothy Griffin	Contact person's e-mail address DorothyG@sutter.k12.ca.us
Address: (City) (ZIP) 970 Klamath Lane Yuba City 95993		Phone (and extension, if necessary): 530- 822-2933 Fax number: 530-822-3085
Period of request: From July 1, 2011 to June 30, 2012	Local board approval date: (Required) 2/21/12	Date of public hearing: (Required) 2-21-12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the *California Code of Regulations (CCR)* section(s) to be waived (check one): __ STAR – *CCR*, Title 5, Section 862(c)(2)(A) …postmarked by December 31…
   _X_ 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…

2. Collective bargaining unit information. Does the district have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below. This requirement can be achieved with a telephone call. It is vital to complete this section as not consulting the bargaining units is a reason for denial of a general waiver request.

   Bargaining unit(s) consulted on date(s): February 9, 2012
   Name of bargaining unit and representative(s) consulted: California Teachers Association, Michael Greer, President
   The position(s) of the bargaining unit(s): ___ Neutral _X_Support ___ Oppose (*Please specify why*)

3. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   __ Notice in a newspaper _X_ Notice posted at each school ___ Other: *(Please specify)*

4. Describe briefly the circumstances that caused you to miss the apportionment deadline(s). (If more space is needed, please attach additional pages.) *Sutter County Superintendent of Schools did not receive your letter of November 7, 2011 or the CAHSEE Apportionment Information Report for 2010-11 Administrations resulting in the county missing the filing date.*

5. Describe guidelines that have been put into place for staff so that this deadline will not be missed in the future.
   This report was place on a tickler file for November and December.

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Assistant Superintendent, Educational Services	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-11

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Mono County Office of Education** under the authority of California *Education Code* Section 41344.3 to waive *Education Code* Section 60119 and the resulting audit penalty of $26,106 regarding the annual public hearing and board resolution on the availability of textbooks and instructional materials for fiscal year 2010–11 and 2011–12. Mono County Office of Education's public hearings were not held at a time that encouraged the attendance of teachers, parents, and guardians of pupils. The hearings were held immediately following school hours. Waiver Number: 185-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

California *Education Code (EC)* Section 41344.3 allows the State Board of Education (SBE) to waive *EC* Section 60119 and the related audit penalty for county offices of education (COEs) provided that the noncompliance was minor and inadvertent. In the past, the SBE has required that the COE be compliant with all of the requirements of *EC* Section 60119 for the current fiscal year in order to receive a waiver.

Beginning in 2004, COEs were granted the authority to waive *EC* Section 60119 for school districts, however COEs must still request a waiver from the SBE.

Mono COE has not had a prior waiver of this type.

SUMMARY OF KEY ISSUES

In 2010–11, Mono COE held a public hearing on the sufficiency of instructional materials within the first eight weeks from the start of the school year as required by *EC* Section 60119. However, the meeting was held from 2:30 to 4:30 p.m. Statute requires that the meeting not take place during or immediately following school hours in order to encourage the attendance of teachers and parents and guardians of pupils. Mono COE received an audit finding on the 2010–11 hearing; however, the audit finding was received after the hearing for the 2011–12 fiscal year had already taken place, which again occurred immediately following school hours. Therefore, the COE is requesting a waiver for both the 2010–11 and 2011–12 fiscal years.

SUMMARY OF KEY ISSUES (Cont.)

The Board has revised the scheduled meeting time for the August 2012 meeting to be compliant with the requirements of *EC* Section 60119 in the 2012–13 fiscal year.

Mono COE held a public hearing on the sufficiency of instructional materials for the 2010–11 school year on August 26, 2010 and adopted a resolution certifying the sufficiency of instructional materials. The appropriate 10-day notice of the public hearing was provided and the public hearing notice was posted in three places within the County Office's jurisdiction. However, the hearing was held immediately following school hours. Mono COE received an audit finding disallowing its 2010–11 instructional materials funding of $13,055.

In 2011–12, Mono COE was in compliance with all requirements of *EC Section* 60119 except it again held the hearing immediately following school hours. Because the 2010–11 audit finding was not received in time to make needed changes to the hearing held for the 2011–12 fiscal year, the Mono COE is not in compliance with statute for the 2011–12 fiscal year and will be required to return instructional materials funding of $13,051.

The Mono COE has rectified its procedures for the 2012–13 fiscal year and will ensure that the public hearing occurs at a time that encourages the attendance of teachers and parents and guardians of pupils. The Board took action at its December 2, 2011 Board meeting to revise the 2012 Board Meeting Calendar changing the time of the August 2012 Board meeting to 4:30 p.m.

The Mono COE provided each student with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks for both the 2010–11 and 2011–12 school years.

The California Department of Education recommends approval of this waiver.

Demographic Information: Mono COE has a student population of 42 and is located in Mono County.

Authority for Waiver: *EC* Section 41344.3

Period of request: July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 30, 2012

Local board approval date(s): January 26, 2012

Bargaining unit(s) consulted on date(s):
California School Employees Association (CSEA) – 2/16/12
California Teachers Association (CTA) – 2/16/12

Name of bargaining unit/representative(s) consulted:
CSEA – Debie Schnadt, President
CTA – Rose Kuljerich

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose**):**

Comments (if appropriate):

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver request is not approved Mono COE will have to pay $26,106—the entire amount of its instructional materials funding for 2010–11 and 2011–12.

ATTACHMENT(S)

Attachment 1: Specific Waiver Requests (4 pages) (Original Waiver is signed and on file in the Waiver Office)

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Instructional Materials Sufficiency

Waiver of Retroactive Audit Penalty
For Use By County Offices of Education

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
2	6	3	0	0	2	8

County office of education:	Contact name and Title:	Contact person's e-mail:
Mono County Office of Education	Tammy Nguyen – Director C&I	tnguyen@monocoe.org

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
451 Sierra Park, Rd. PO Box 130, Mammoth Lakes, Ca. 93546	(760) 934-0031 x 216

*Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1, 2010 To: June 30, 2011 *NOTE: Put in the fiscal year of the audit finding, use a separate form if more than one year.	01/26/2012

LEGAL CRITERIA

Authority for the waiver: *Education Code (EC)* Section 41344.3: Notwithstanding subdivision (c) of Section 41344 or any other provision of law, the State Board of Education may, upon a finding that violations were minor or inadvertent and the intent of Section 60119 was substantially met, consider and act upon requests to waive Section 60119 to the extent that a failure to comply with that section would otherwise subject the school district to a repayment due to an apportionment significant audit. The board may act on requests to waive Section 60119 regardless of whether the request was received before or after the effective date of this section.

1. *Education Code* or *California Code of Regulations*

Section to be waived: *Education Code* (*EC*) Section 60119

Brief Description of the topic of the waiver:

To waive minor and inadvertent portions of *EC* 60119 regarding the required public hearing, a local board resolution, 10 day notice of public hearings, notice of hearing posted in three public places, that the public hearing not take place during or immediately following school hours, the public hearing was held on or before the end of the eighth week of the school year, a written determination was made as to whether each pupil enrolled in a foreign language or health course had sufficient textbooks or instructional materials that were consistent with the content and cycles of the curriculum frameworks adopted by the state board of education for those subjects and/or determination of the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive.

2. Collective bargaining unit information.

Does the county office of education have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 02/16/12
Name of bargaining units and representative(s) consulted: CTA – Rose Kuljerich CSEA – Debie Schnadt
The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (*Please specify information)*

Comments (if appropriate):

Required attachments:

1. Copy of audit finding.
2. Response to audit finding.
3. Copy of your board resolution for the audited year, if any.
4. Copy of this year's resolution and proof of public hearing /with posted date and location to prove a "legally compliant hearing "has been held.
5. If this is the second time you have had this finding, please call the Waiver Office immediately at (916) 319-0824.
6. Completed List of Instructional Materials Being Used form.

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-2009)

***Education Code* or *California Code of Regulations* section to be waived.**

60119. Hearings: steps to ensure availability of textbooks and instructional materials
Pick the appropriate minor and inadvertent audit finding, and delete others not pertaining to your request.

_X_ (1) (A) The governing board shall hold a [1] ~~public hearing or hearings~~ at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board.

__ (b) The governing board shall provide [2] ~~10 days'~~ notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and

__ shall be posted in [3] ~~three~~ public places in the county office of education's jurisdiction and

_X_ shall not [4] ~~take place during or immediately following~~ school hours and

__ the public hearing was ~~held on or before the end of the eighth week~~ of the school year and

__ the governing board made a written determination was made as to whether ~~each pupil enrolled in a foreign language or health course had sufficient textbooks or instructional materials that were consistent with the content and cycles of the curriculum frameworks~~ adopted by the state board of education for those subjects and

__ the governing board determined of ~~the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive~~.

Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary .
Finding was minor and inadvertent. The issue has been rectified as can be observed by Board Meeting Minutes reflecting the change of meeting time for the August meeting 2012. 2010-2011 audit finding was received too late to make needed changes to August 2011 meeting, therefore we are submitting waiver requests for both the 2010-2011 and 2011-2012 school years. We are requesting to waive repayment of IMFRP funds.

Please attach a full explanation of the situation that caused this audit finding. Board meetings are held during the day, which did not allow for easy access by parents and teachers. The 2012 meeting has been scheduled later in the day to allow for all community members attendance.

County certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of superintendent or designee:	Title: Director of Curriculum and Instruction	Date: 02/16/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

Instructional Materials Sufficiency

Waiver of Retroactive Audit Penalty
For Use By County Offices of Education

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
0	1	0	7	7	1	4

County office of education:	Contact name and Title:	Contact person's e-mail:
Mono County Office of Education	Tammy Nguyen – Director C&I	tnguyen@monocoe.org

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
451 Sierra Park, Rd. PO Box 130, Mammoth Lakes, Ca. 93546	(760) 934-0031 x 216

*Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1, 2011 To: June 30, 2012 *NOTE: Put in the fiscal year of the audit finding, use a separate form if more than one year.	01/26/2012

LEGAL CRITERIA

Authority for the waiver: *Education Code (EC)* Section 41344.3: Notwithstanding subdivision (c) of Section 41344 or any other provision of law, the State Board of Education may, upon a finding that violations were minor or inadvertent and the intent of Section 60119 was substantially met, consider and act upon requests to waive Section 60119 to the extent that a failure to comply with that section would otherwise subject the school district to a repayment due to an apportionment significant audit. The board may act on requests to waive Section 60119 regardless of whether the request was received before or after the effective date of this section.

3. *Education Code* or *California Code of Regulations*
Section to be waived: *Education Code* (*EC*) Section 60119
Brief Description of the topic of the waiver:
To waive minor and inadvertent portions of *EC* 60119 regarding the required public hearing, a local board resolution, 10 day notice of public hearings, notice of hearing posted in three public places, that the public hearing not take place during or immediately following school hours, the public hearing was held on or before the end of the eighth week of the school year, a written determination was made as to whether each pupil enrolled in a foreign language or health course had sufficient textbooks or instructional materials that were consistent with the content and cycles of the curriculum frameworks adopted by the state board of education for those subjects and/or determination of the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive.

4. Collective bargaining unit information.

Does the county office of education have any employee bargaining units? ___ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 02/16/12
Name of bargaining units and representative(s) consulted: CTA – Rose Kuljerich CSEA – Debie Schnadt
The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (*Please specify information)*

Comments (if appropriate):

Required attachments:

7. Copy of audit finding.
8. Response to audit finding.
9. Copy of your board resolution for the audited year, if any.
10. Copy of this year's resolution and proof of public hearing /with posted date and location to prove a "legally compliant hearing "has been held.
11. If this is the second time you have had this finding, please call the Waiver Office immediately at (916) 319-0824.
12. Completed List of Instructional Materials Being Used form.

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-2009)

***Education Code* or *California Code of Regulations* section to be waived.**

60119. Hearings: steps to ensure availability of textbooks and instructional materials
Pick the appropriate minor and inadvertent audit finding, and delete others not pertaining to your request.

_X_ (1) (A) The governing board shall hold a [1] ~~public hearing or hearings~~ at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board.

__ (b) The governing board shall provide [2] ~~10 days'~~ notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and

__ shall be posted in [3] ~~three~~ public places in the county office of education's jurisdiction and

_X_ shall not [4] ~~take place during or immediately following~~ school hours and

__ the public hearing was ~~held on or before the end of the eighth week~~ of the school year and

__ the governing board made a written determination was made as to whether ~~each pupil enrolled in a foreign language or health course had sufficient textbooks or instructional materials that were consistent with the content and cycles of the curriculum frameworks~~ adopted by the state board of education for those subjects and

__ the governing board determined of ~~the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive~~.

Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary .
Finding was minor and inadvertent. The issue has been rectified as can be observed by Board Meeting Minutes reflecting the change of meeting time for the August meeting 2012. 2010-2011 audit finding was received too late to make needed changes to August 2011 meeting, therefore we are submitting waiver requests for both the 2010-2011 and 2011-2012 school years. We are requesting to waive repayment of IMFRP funds.

Please attach a full explanation of the situation that caused this audit finding. Board meetings are held during the day, which did not allow for easy access by parents and teachers. The 2012 meeting has been scheduled later in the day to allow for all community members attendance.

County certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of superintendent or designee:	Title: Director of Curriculum and Instruction	Date: 02/16/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-12

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Albert Einstein Academy for Letters, Arts, and Sciences** under the authority of California *Education Code* Section 47612.6(a) to waive *Education Code* Section 47612.5(c), the audit penalty for offering less instructional time in the 2010–11 fiscal year for students in grade nine (shortfall of 7,824 minutes). Waiver Number: 155-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the waiver request on the following conditions:
Albert Einstein Academy for Letters, Arts, and Sciences maintains instructional minutes at a minimum of the amount required by law plus 7,824 minutes in grade nine in both school years 2012–13 and 2013–14.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. California *Education Code (EC)* Section 46206 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.

SUMMARY OF KEY ISSUES

During an audit of instructional minutes for 2010–11 it was discovered that Albert Einstein Academy for Letters, Arts, and Sciences failed to offer the required number of minutes for grade nine. The shortage occurred because one teacher in grades seven through nine did not have a valid credential to teach core subjects. The disallowed minutes were deducted from the total offered which caused grade nine to have a deficit of 7,824 minutes.

SUMMARY OF KEY ISSUES (Cont.)

Albert Einstein Academy for Letters, Arts, and Sciences is using school years 2012–13 and 2013–14 to make up the shortfall of instructional minutes. Due to the flexibility offered by *EC* Section 46201.2 the minimum number of required annual instructional minutes in grade nine for charter schools are 62,949 through 2014–15.

This waiver request was approved at the Albert Einstein Academy for Letters, Arts, and Sciences governing board meeting on October 17, 2011.

CDE recommends approval of this waiver as long as the Albert Einstein Academy for Letters, Arts, and Sciences maintains increased instructional minutes for grade nine of at least the amount required by law plus 7,824 for a period of two years beginning in 2012–13 through 2013–14. The charter school must also report the annual instructional minutes it offered for grade nine in its annual audit report.

Demographic Information: Albert Einstein Academy for Letters, Arts, and Sciences Charter School has a student population of 176 and is located in an urban city in Los Angeles County.

Authority for Waiver: *EC* Section 47612.6(a)

Period of request: September 1, 2010 to June 10, 2011
Period Recommended: September 1, 2010 to June 10, 2011

Local board approval date(s): October 17, 2011

Bargaining unit(s) consulted on date(s): Albert Einstein Academy for Letters, Arts, and Sciences does not participate in collective bargaining.

Name of bargaining unit/representative(s) consulted: Albert Einstein Academy for Letters, Arts, and Sciences does not participate in collective bargaining.

Position of bargaining unit(s) (choose only one):
☐ Neutral ☐ Support ☐ Oppose**):** Albert Einstein Academy for Letters, Arts, and Sciences does not participate in collective bargaining.

Comments (if appropriate):

Advisory committee(s) consulted: The charter school does not have an advisory committee. The executive board approved the waiver request October 17, 2011.

Objections raised (choose one): ☐ None ☐ Objections are as follows:

Advisory committee(s) consulted: The charter school does not have an advisory committee. The executive board approved the waiver request October 17, 2011.

FISCAL ANALYSIS (AS APPROPRIATE)

2010–11 penalty amount of $21,062.57 is calculated as follows:

25.83 Average Daily Attendance (ADA) for affected students in grade nine multiplied by $6,560 (base revenue limit) is equal to $169,449.45.

A 7,824 shortfall of instructional minutes divided by the 62,949 minute requirement is equal to 12.43 percent of minutes not offered.

$169,449.45 multiplied by 12.43 percent is equal to a $21,062.57 penalty if this waiver is not approved.

ATTACHMENT(S)

Attachment 1: Albert Einstein Academy for Letters, Arts, and Sciences Charter School Specific Waiver Request 15-2-2012 (1 page). (Original waiver request is Signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *Charter Schools*

CSIMR-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/ *Instructional Minute Requirements*

Waiver of Audit Penalty

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	6	5	1	3	6

Local educational agency: Albert Einstein Academy for Letters, Arts, and Sciences	Phone contact and Title: 661-702-0755	Contact person's e-mail address:Edward.gika@Ealas.org
Address: (City) (State) (ZIP) 28141 Kelly Johnson Pkwy Santa Clarita Santa Clarita 91355		Phone (and extension, if necessary): 661-702-0755 (110) Fax number:
*Period of request: (month/day/year) From: 9/1/2010 To: 6/10/2011 *NOTE: Use the fiscal year of the audit finding	Local board approval date: (Required) 3/17/2010	

LEGAL CRITERIA

Authority for the waiver:
Education Code (EC) Section 47612.6. (a) The State Board of Education may waive fiscal penalties calculated pursuant to subdivision (c) of Section 47612.5 for a charter school that fails to offer the minimum number of instructional minutes required pursuant to subdivision (a) of Section 47612.5 for the fiscal year.

1. Education Code or California Code of Regulations
Section to be waived: *Education Code (EC)* Section 47612.5. (c) A reduction in apportionment made pursuant to subdivision (a) shall be proportional to the magnitude of the exception that causes the reduction. For purposes of paragraph (1) of subdivision (a), for each charter school that fails to offer pupils the minimum number of minutes of instruction specified in that paragraph, the Superintendent shall withhold from the charter school's apportionment for average daily attendance of the affected pupils, by grade level, the sum of that apportionment multiplied by the percentage of the minimum number of minutes of instruction at each grade level that the charter school failed to offer.

2. Required attachments:
Following is a list of additional documentation to be enclosed with the waiver request.

1. Copy of the final audit finding showing penalty amount and shortage information, and your response to the audit finding.
2. At least two years worth of proposed bell schedule(s) and school calendar(s) for the required make-up of time, showing all full and partial instructional days, student free days, etc.
3. Explain:
   - Why shortage occurred
   - Number of minutes short and what grade levels were affected
   - How many grade levels you serve (to be able to follow affected students for two-years)

Demographic Information:
(*District/school/programAEA* ____has a student population of __175___ and is located in a _small city____ (*urban, rural, or small city etc.)* ___ in ____L. A___ County.

District or county certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of superintendent or designee: Edward Gika	Title: Principal	Date: 3/2/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-13

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two districts, under the authority of California *Education Code* Section 33050, to waive all portions of California *Education Code* sections 17473 and 17474 and portions of 17466, 17472, and 17475, and one of the two districts to waive portions of 17455 relating to the sale and lease of surplus property. Approval of these waivers will allow the districts to lease or sell property using a "request for proposal process", thereby maximizing the proceeds from the sale or lease of the properties. Waiver Numbers: Orange Unified School District 91-2-2012 Alhambra Unified School District 169-2-2012 Alhambra Unified School District 170-2-2012 Alhambra Unified School District 171-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education recommends approval with the following conditions: the proposals the 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 identified in public sessions and included in the minutes of the meetings. Additionally, the Orange Unified School District must comply with the surplus property requirements, regarding offers to public agencies and non-profits, specified in *Education Code* (*EC*) sections 17464 through 17465, and 17485 et seq.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved all previous waivers regarding the bidding process and the sale or lease of surplus property. The districts are requesting to waive the same provisions for the sale or lease of surplus property.

SUMMARY OF KEY ISSUES

Under the provisions of *EC* sections 33050 through 33053, the districts request that specific portions of the *EC* relating to the sale or lease of district property be waived. The districts believe that they will benefit substantially from the potential ongoing cash flow that will be generated by negotiated sale or lease arrangements. The districts state that the ability to offer the properties through Request for Proposals will allow more flexibility and produce better outcomes. Additionally, the districts are requesting that the requirement of sealed proposals and the oral bidding process be waived allowing the districts to determine what constitutes the most "desirable" bid and set their own terms and conditions for the sale or lease of surplus property.

The Orange Unified School District is requesting a waiver for the sale or lease of one piece of surplus property that is approximately 1.70 acres. This property is known as the Killefer Property which is located at 541 North Lemon Street, Orange, CA. The property contains a 13,646 square foot school building that is currently vacant.

The Alhambra Unified School District has submitted three waivers for the sale or lease of surplus property. The first property is approximately 1.09 acres and is known as the Marengo Property. This property is located at 20 South Marengo Avenue, Alhambra, CA. The property is adjacent to Century High School and is the former transportation yard. The district states that the surplus acreage is no longer needed since the district transportation has been moved to a central location. The second property is located at 7422 Garvey Avenue, Rosemead, CA. The property was used for the district's adult education program and contains a multi-story office building and parking lot. The property is vacant. The final property is approximately 2.05 acres. This property is known as the Alhambra Road Property and is located at 15 West Alhambra Road, Alhambra, CA. The property is improved with the district's former district office, several modular units, a parking lot, and landscaping. A portion of the building has been leased to the local Special Education Local Plan Area (SELPA) but the district has been unable to lease the additional space.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

The flexibility in property disposition requested herein will allow the districts to maximize revenue. There is no fiscal impact.

ATTACHMENT(S)

Attachment 1: Summary Table (1 Page)

Attachment 2: Orange Unified School District – Killefer Property (91-2-2012) General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Alhambra Unified School District – Marenga Property (169-2-2012) General Waiver Request (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Alhambra Unified School District – Garvey Avenue Property (170-2-2012) General Waiver Request (6 pages) (Original waiver request is signed and on file on the Waiver Office.)

Attachment 5: Alhambra Unified School District – Alhambra Road Property (171-2 2012) General Waiver Request (6 pages) (Original waiver request is signed and on file the Waiver Office.)

SUMMARY TABLE

Waiver Number	School District	Property	Period of Request	Local Board Approval Date	Public Hearing Date	Bargaining Unit Consulted – Date	Position of Bargaining Unit	Advisory Committee Consulted – Date	Streamlined Waiver Policy - API
91-2-2012	Orange Unified	Killefer	May 15, 2012 – May 14, 2013	January 19, 2012	January 19, 2012	California School Employees Association (CSEA)/January 9, 2012 Orange Unified Education Association (OUEA)/January 9, 2012	CSEA – Support OUEA – Neutral	District Site Council/January 17, 2012 No Objections	Yes, 823
169-2-2012	Alhambra Unified	Marengo	May 10, 2012 – May 10, 2013	February 21, 2012	February 21, 2012	Alhambra Teachers Association (ATA)/February 14, 2012 California School Employees Association (CSEA)/February 21, 2012	ATA – Neutral CSEA – Neutral	Surplus Property Committee/February 1, 2012	No
170-2-2012	Alhambra Unified	Garvey Avenue	May 10, 2012 – May 10, 2013	February 21, 2012	February 21, 2012	Alhambra Teachers Association (ATA)/February 14, 2012 California School Employees Association (CSEA)/February 21, 2012	ATA – Neutral CSEA – Neutral	Surplus Property Committee/February 1, 2012	No
171-2-2012	Alhambra Unified	Alhambra Road	May 10, 2012 – May 10, 2013	February 21, 2012	February 21, 2012	Alhambra Teachers Association (ATA)/February 14, 2012 California School Employees Association (CSEA)/February 21, 2012	ATA – Neutral CSEA – Neutral	Surplus Property Committee/February 1, 2012	No

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X

Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	2	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Orange Unified School District	**Michael L. Christensen, Superintendent**	mikec@orangeusd.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1401 North Handy Street	Orange	California	92867	(714) 628-4040 Fax Number: (714) 628-4041

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: May 15, 2012 To: May 14 , 2013	January 19, 2012	January 19, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: ***EC*** or *CCR*

Portions of 17455, 17466, 17472, 17475, and all of 17473, 17474

Topic of the waiver: **Long Term Lease of Surplus Real Property (Killefer Property)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 9, 2012 (CSEA) and (OUEA)

Name of bargaining unit and representative(s) consulted: Orange Unified Education Association Dave Brown, Executive Director, and California School Employees Association, John Miller, President

The position(s) of the bargaining unit(s): **X (OUEA) Neutral** - **X (CSEA) Support** Oppose (*Please specify why*)
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?
___ Notice in a newspaper ___ Notice posted at each school **X Other: *(Please specify)* Posted on the District's website and at the Education Center. Please see Attachment A**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: District Site Council on January 17, 2012

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)* **Please see Attachment B**

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Education Code Sections: 17455, 17466, 17472, 17473, 17474, 17475. Please see attached for requested waivers of these code sections.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please see Attachment C

8. Demographic Information:
   The District has a student population of 30,524 and is located in the urban cities of Orange, Villa Park, Anaheim and Garden Grove, and in the unincorporated area of Orange County, in Orange County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Michael L. Christensen** **Superintendent of Schools**	Date: **January 19, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

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 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 by Article 4.

17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased~~ and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker ~~out of the minimum price or rental~~. ~~The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.~~

> *Rationale:* The stricken language to be waived provides for a minimum price or rental and requires sealed proposals to lease the property will be received. The District is requesting that the requirement of sealed proposals to lease the property be waived, allowing the District to negotiate the lease of the Parkside Property with an appropriate tenant who submits the proposal deemed to be most beneficial to the District. The District intends to develop a strategic plan for advertising and marketing of the Parkside Property in order to solicit proposals from potential tenants interested in the property.

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 <u>which the Board determines represents the most desirable lease of the property shall be</u> ~~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.~~

- The requirement that sealed proposals be received, and that the highest bidder be awarded the lease is stricken in order that the District may be able to lease the property to the party presenting the most favorable proposal to the District. The Board would consequently be able to award the lease to the party submitting the proposal that best meets the District's needs. These modifications would also permit the District to determine what constitutes the most desirable bid, set their own terms and conditions, and would remove the requirement that an oral bid be accepted.

~~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.~~

- The entire section is to be waived because the District, in negotiating an agreement to 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.~~

- The entire section is to be waived because the District, in negotiating an agreement to 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 <u>30 to 60</u> ~~the 10~~ days ~~next~~ following.

- Modification of this section would require the District Board to wait at least 30 to as many as 60 days after the meeting at which proposals are presented, before awarding the lease, rather than making the award within 10 days. This will allow time for review of the proposal by District staff, board members, and the public before a final decision is made.

Attachment to Section 7:

The Orange Unified School District is seeking the ability to lease the approximate 1.70 acres of surplus property known as the “Killefer Property”, located at 541 North Lemon Street, Orange, California 92867, through a negotiated lease with a suitable tenant utilizing the Request for Proposals process. The Killefer Property contains 13,646 square feet of building area is currently vacant. The District would like to begin to market the property for lease shortly following approval of the District’s waiver. The District does not believe that the statutory competitive bidding process set out in Education Code sections 17455-17475 would be effective given the collective experience of school districts which have found that most commercial property developers are reluctant to submit unconditional bids in a competitive process, and require a negotiated lease agreement that can take into consideration necessary land use approvals from local government agencies and other critical contingencies. If the District goes through the procedures set out in Education Code sections 17455-17475, the market value of the property may be depressed because potential tenants will be aware of the lack of competition in leasing the property (in spite of the fact that the process is labeled “competitive”). The District has become aware that several potential tenants may be interested in undertaking negotiations to lease the site under conditions that may be developed through the negotiating process. The District would benefit substantially from the potential ongoing cash flow that could be generated by a carefully negotiated lease arrangement.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: --X-
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	7	5	7	1	3

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Alhambra Unified School District	Harold Standerfer, Deputy Superintendent	Standerfer_Harold@alhambra.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1515 West Mission Road	Alhambra	CA	91803	(626) 943-3400 Fax Number: (626) 943-8033

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 5/10/12 To: 5/10/13	2/21/12	2/21/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 17466, 17472, 17473, 17474 and 17475 Circle One: (*EC*) or *CCR*

   Topic of the waiver: Public Bid Auction Requirement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): ATA (Confidential) 2/14/12
   CSEA (295) 2/21/12
   Name of bargaining unit and representative(s) consulted: Alhambra Teachers Association, Roz Collier, President
   California School Employees Association, Darlene Perez, President

   The position(s) of the bargaining unit(s): _x_ Neutral __ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper _X_ Notice posted at each school _X__ Other: *(Please specify)* Noticed per Brown Act

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Surplus Advisory Committee
   Date the committee/council reviewed the waiver request: 2/1/12

   Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please See Attachment "A"

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please See Attachment "B"

8. Demographic Information:
   *(District/school/program)*__ has a student population of 18,413 and is located in a __*(urban, rural, or small city etc.)*__ in Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Deputy Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

The Alhambra Unified School District desires to waive the following sections and portions of the Education Code lined out below:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.~~

EC 17472. At the time and place fixed in the resolution for the meeting of the governing body, all ~~sealed~~ proposals which have been received shall, in public session, ~~be opened~~, examined, and declared by the board. Of the proposals submitted ~~which conform to all terms and conditions specified in the resolution of intention to sell or to lease and~~ which are made by responsible bidders, the proposal which the Board determines represents the most desirable lease of the property shall be ~~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.~~

EC 17473. ~~Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.~~

~~EC 17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this **code**, the board shall allow a commission on the full amount for which the sale is confirmed.~~

~~One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.~~

EC 17475. The final acceptance by the governing body may be made ~~either at the same session or~~ at any ~~adjourned session of the same~~ board meeting held within 30 to 60 days ~~next~~ following.

Attachment B

7. Desired Outcome/ Rationale

The Alhambra Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the sale of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to developers; however, the District's past experience with a public auction indicates that such a process will not allow the District to take advantage of the potential of the Property. Thus, the District would like to sell the Property via a Request for Proposals.

The Property

The District owns approximately 1.09 net acres of land zoned R3 (Multiple Family Residential) known as the approximately southerly half portion of the site located at 20 South Marengo Avenue in the City of Alhambra, California ("Property"). It is located in the north-central portion of Alhambra, with the surrounding area being predominantly residential but including some commercial properties. The Property is a portion of the District's Century High School/Transportation Yard site. The District continues to use a portion of the Century High School/Transportation Yard to house the District's Century High School.

Currently the Property is being used as the District's transportation yard. A map depiction of the Property is attached.

Previous Bid Auctions

On August 29, 2006 and again on October 16, 2007 the District adopted and approved a resolution approving the District's Advisory Committee's recommendations to sell the entire Century High School/Transportation Yard site, declaring the entire Century High School/Transportation Yard site surplus, and authorizing the offer of the entire Century High School/Transportation Yard site for sale pursuant to California law. The District offered the entire Century High School/Transportation Yard site for sale to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 *et seq*. and to public benefit non-profit organizations pursuant to Education Code section 17464.

After concluding all required negotiation and notice periods with applicable agencies and organizations (and receiving no offers to negotiate or interest from any of the agencies or organizations), completing title analyses, complying with posting and publication requirements, and preparing and disseminating extensive bid package documents, the District conducted a public bid hearing for the sale of the entire Century High School/Transportation Yard site on November 19, 2007. Despite sending a bid package, an addendum and contacting potential bidders, no written or oral bids were submitted. The public bid procedure did not attract any interest in the entire Century High School/Transportation Yard site.

Therefore, despite good faith efforts, the District was not able to dispose of the entire Century High School/Transportation Yard site under the surplus property bid procedures set forth in Education Code section 17466 *et seq*.

Subsequently, the District's Board of Trustees adopted a resolution requesting a waiver of the competitive bidding procedures required under the Education Code and further requesting permission to issue an RFP for the sale of all, or a portion, of the Century High School/Transportation Yard site. The State Board of Education approved the District's waiver request on May 8, 2008, and the District subsequently issued an RFP regarding the sale of a portion of the Century High School/Transportation Yard site. The District did have more success with this process and did receive interest in the Century High School/Transportation Yard site. However, the proposed transaction was not able to be completed due to timing and the current financial climate.

The District let the previous waver expire and again attempted to sell the Property pursuant to a competitive bid process. Despite sending a bid package, an addendum and contacting potential bidders, only one written bid was submitted at the District's bid hearing on August 30, 2011, but was ultimately rejected by the School Board for failure to even come close to a minimum purchase price amount. The District then made another attempt to sell the Property at a bid hearing on January 31, 2012, and, again, received only one low figure bid which was rejected by the School Board. While the District plans to attempt yet another bid hearing, it is not optimistic that it will result in any meaningful interest or attractive bids. Thus, the District is simultaneously requesting a waiver so that it may again try selling the Property through an RFP process.

Proposed Process for Selling the Property

Based on previous experience, consultations with experts, and on its knowledge of the surrounding community, the District has concluded that offering the Property for sale through a Request for Proposals, followed by further negotiations, will allow more flexibility and produce a better outcome.

In the current real estate market climate, a bid auction scenario is not able to attract serious and capable buyers to this Property. The District's previous experience with a lack of interest from bidders has shown the District that it needs the ability to be flexible and work with potential buyers to create a valuable package. A waiver from the surplus property bid auction requirements will allow the District to do this. The District will work with a broker to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential buyers interested in the Property.

Conclusion

The sale of the Property will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with consultants to ensure that the process by which the Property is sold is fair, open and competitive. As indicated above, such a

process will produce a better result than another attempt at a bid auction for both the District and the community.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: --X-
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	7	5	7	1	3

Local educational agency: Alhambra Unified School District	Contact name and Title: Harold Standerfer, Deputy Superintendent	Contact person's e-mail address: Standerfer_Harold@alhambra.k12.ca.us
Address: (City) (State) (ZIP) 1515 West Mission Road Alhambra CA 91803		Phone (and extension, if necessary): (626) 943-3400 Fax Number: (626) 943-8033
Period of request: (month/day/year) From: 5/10/12 To: 5/10/13	Local board approval date: (Required) 2/21/12	Date of public hearing: (Required) 2/21/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 17466, 17472, 17473, 17474 and 17475 Circle One: (*EC*) or *CCR*

   Topic of the waiver: Public Bid Auction Requirement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): ATA (Certificated) 2/14/12
   CSEA (295) 2/21/12
   Name of bargaining unit and representative(s) consulted: Alhambra Teachers Association, Roz Collier, President
   California School Employees Association, Darlene Perez, President

   The position(s) of the bargaining unit(s): _x_ Neutral __ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper _X_ Notice posted at each school _X__ Other: *(Please specify)* Noticed per Brown Act

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Surplus Advisory Committe
   Date the committee/council reviewed the waiver request: 2/1/12

   Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please See Attachment "A"

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please See Attachment "B"

8. Demographic Information:
   (*District/school/program)*__ has a student population of 18,413 and is located in a __(*urban, rural, or small city etc.)*__ in Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Deputy Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

The Alhambra Unified School District desires to waive the following sections and portions of the Education Code lined out below:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular~~
~~place of meeting, at which sealed proposals to purchase or lease will be received and considered.~~

EC 17472. At the time and place fixed in the resolution for the meeting of the governing body, all ~~sealed~~ proposals which have been received shall, in public session, ~~be opened~~, examined, and declared by the board. Of the proposals submitted ~~which conform to all terms and conditions specified in the resolution of intention to sell or to lease and~~ which are made by responsible bidders, the proposal which the Board determines represents the most desirable lease of the property shall be ~~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.~~

EC 17473. ~~Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any,~~
~~to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.~~

~~EC 17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this~~ **code**~~, the board shall allow a commission on the full amount for which the sale is confirmed.~~

~~One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.~~

EC 17475. The final acceptance by the governing body may be made ~~either at the same session or~~ at any ~~adjourned session of the same~~ board meeting held within 30 to 60 days ~~next~~ following.

Attachment B

7. Desired Outcome/ Rationale

The Alhambra Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the lease of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential lessees; however, the District's past experience with public auctions indicates that such a process will not allow the District to take advantage of the potential of the Property. Thus, the District would like to lease the Property via a Request for Proposals.

The Property

The District owns property located at 7422 Garvey Ave., Rosemead, California 91770 ("Property"). Property was formerly used for the District's adult education program and contains a multi-story office building and parking lot. A map depiction of the Property is attached.

Previous Bid Auctions

The District previously adopted and approved a resolution approving the District's Advisory Committee's recommendation to lease the Property, declaring the Property surplus, and authorizing the offer of the Property for lease pursuant to California law. The District offered the Property for lease to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 *et seq*. and to public benefit non-profit organizations pursuant to Education Code section 17464.

After concluding all required negotiation and notice periods with applicable agencies and organizations (and receiving no offers to negotiate or interest from any of the agencies or organizations), completing title analyses, complying with posting and publication requirements, and preparing and disseminating bid package documents, the District conducted a public bid hearing for the lease of the Property on November 29, 2011. The District received one bid, which the District accepted subject to certain terms being met by the potential lessee. It appears that the potential lessee, despite additional time being offered by the District, will not be able to meet those terms and that the District will not be able to lease the Property to the successful bidder.

Therefore, despite good faith efforts, the District was not able to lease the Property under the surplus property bid procedures set forth in Education Code section 17466 *et seq*.

Proposed Process for Leasing the Property

Based on previous experience, consultations with experts, and on its knowledge of the surrounding community, the District has concluded that offering the Property for lease through a Request for Proposals, followed by further negotiations, will allow more flexibility and produce a better outcome.

In the current real estate market climate, a bid auction scenario is not able to attract serious and capable lessees to this Property. The District's previous experience with a lack of interest from bidders has shown the District that it needs the ability to be flexible and work with potential lessees to create a valuable package. A waiver from the surplus property bid auction requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential lessees interested in the Property.

Conclusion

The lease of the Property will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with consultants to ensure that the process by which the Property is leased is fair, open and competitive. As indicated above, such a process will produce a better result than another attempt at a bid auction for both the District and the community.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: --X-
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	7	5	7	1	3

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Alhambra Unified School District	Harold Standerfer, Deputy Superintendent	Standerfer_Harold@alhambra.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1515 West Mission Road	Alhambra	CA	91803	(626) 943-3400 Fax Number: (626) 943-8033

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 5/10/12 To: 5/10/13	2/21/12	2/21/12

LEGAL CRITERIA

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   Topic of the waiver: Public Bid Auction Requirement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): ATA (Certificated) 2/14/12
   CSEA (295) 2/21/12
   Name of bargaining unit and representative(s) consulted: Alhambra Teachers Association, Roz Collier, President
   California School Employees Association, Darlene Perez, President

   The position(s) of the bargaining unit(s): _x_ Neutral __ Support __ Oppose (*Please specify why*)

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   How was the required public hearing advertised?

   _X__ Notice in a newspaper _X_ Notice posted at each school _X__ Other: *(Please specify)* Noticed per Brown Act

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Surplus Advisory Committee
   Date the committee/council reviewed the waiver request: 2/1/12

   Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please See Attachment "A"

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8. Demographic Information:
   (*District/school/program)*__ has a student population of 18,413 and is located in a __(*urban, rural, or small city etc.)*__ in Los Angeles County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Deputy Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

The Alhambra Unified School District desires to waive the following sections and portions of the Education Code lined out below:

EC 17466. Before ordering the sale or lease of any property the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.~~

EC 17472. At the time and place fixed in the resolution for the meeting of the governing body, all ~~sealed~~ proposals which have been received shall, in public session, ~~be opened~~, examined, and declared by the board. Of the proposals submitted ~~which conform to all terms and conditions specified in the resolution of intention to sell or to lease and~~ which are made by responsible bidders, the proposal which the Board determines represents the most desirable sale of the property shall be ~~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.~~

EC 17473. ~~Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal, after deducting the commission, if any, to be paid a licensed real estate broker in connection therewith, then the oral bid which is the highest after deducting any commission to be paid a licensed real estate broker, in connection therewith, which is made by a responsible person, shall be finally accepted. Final acceptance shall not be made, however, until the oral bid is reduced to writing and signed by the offeror.~~

~~EC 17474. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 17468 of this **code**, the board shall allow a commission on the full amount for which the sale is confirmed.~~

~~One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.~~

EC 17475. The final acceptance by the governing body may be made ~~either at the same session or~~ at any adjourned session of the same meeting held within 30 to 60 days ~~next~~ following.

Attachment B

7. Desired Outcome/ Rationale

The Alhambra Unified School District desires to have the requested Education Code sections waived because the waiver of these sections will allow the District to maximize its return on the lease of the Property to the greatest extent possible. The District anticipates that the location and certain qualities of the Property will make it extremely attractive to potential lessees; however, the District's past experience with a public auction indicates that such a process will not allow the District to take advantage of the potential of the Property. Thus, the District would like to lease the Property via a Request for Proposals.

The Property

The District owns approximately 2.05 acres of real property located at 15 West Alhambra Road in the City of Alhambra ("Property"). The Property is a generally rectangular shaped parcel, which is generally level and at grade with adjoining properties. The Property is zoned OS (Open Space. It is located in the north-central portion of Alhambra, with the surrounding area being predominantly residential but including some commercial properties. The Property is easily accessible from several major streets.

Currently the Property is improved with the District's former District office building, several modular units, a parking lot and landscaping. A map depiction of the Property is attached.

Previous Bid Auctions

The District previously adopted and approved a resolution approving the District's Advisory Committee's recommendation to sell the Property, declaring the Property surplus, and authorizing the offer of the Property for sale pursuant to California law. The District offered the Property for sale to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 *et seq*. and to public benefit non-profit organizations pursuant to Education Code section 17464.

After concluding all required negotiation and notice periods with applicable agencies and organizations (and receiving no offers to negotiate or interest from any of the agencies or organizations), completing title analyses, complying with posting and publication requirements, and preparing and disseminating bid package documents, the District conducted a public bid hearing for the sale of the entire Property on October 7, 2008. The District received only one bid. The District and the successful bidder opened escrow on the Property; however, the potential buyer recently had to cancel escrow due to its own financial reasons.

The District then adopted and approved a resolution approving the District's Advisory Committee's recommendation to lease the Property and authorizing the offer of the Property for lease pursuant to California law. The District offered the Property for lease to public agencies pursuant to the surplus property procedures set forth in Education Code sections 17464-17465 and 17485 *et seq*. and to public benefit non-profit organizations pursuant to Education Code section 17464. The District leased a portion of the Property to the local SELPA, but still has

additional space that it has not been able to lease. The District conducted a bid hearing on January 31, 2012, but did not receive any offers to lease the remaining portion of the Property.

Therefore, despite good faith efforts, the District was not able to lease all of the Property under the surplus property bid procedures set forth in Education Code section 17466 *et seq*.

Proposed Process for Leasing the Property

Based on previous experience, consultations with experts, and on its knowledge of the surrounding community, the District has concluded that offering the Property for lease through a Request for Proposals, followed by further negotiations, will allow more flexibility and produce a better outcome.

In the current real estate market climate, a bid auction scenario is not able to attract serious and capable lessees to this Property. The District's previous experience with a lack of interest from bidders has shown the District that it needs the ability to be flexible and work with potential lessees to create a valuable package. A waiver from the surplus property bid auction requirements will allow the District to do this. The District will work to develop a strategic plan for advertising and marketing the Property in order to solicit proposals from potential lessees interested in the Property.

Conclusion

The lease of the Property will allow the District to continue to provide a high-quality educational experience for its students. The District will work closely with consultants to ensure that the process by which the Property is leased is fair, open and competitive. As indicated above, such a process will produce a better result than another attempt at a bid auction for both the District and the community.

ITEM #W-14

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Richland Elementary School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas. Waiver Number: 3-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests during the past three years—the most recent ones were waiver requests from eleven school districts that were approved at the March 8, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the Richland Elementary School District (ESD). Voters in the district will continue to elect all board members—however, should the waiver be approved, all board members will be elected by trustee areas, beginning with the next regular board election.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to California *Education Code* (*EC*) Section 5020, county committee approval of trustee areas and methods of elections constitutes an order of election; thus, voters in the district have final approval.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect itself from potential litigation, the Richland ESD is taking action to establish new trustee areas and adopt by-trustee-area methods of election for the governing board. In order to establish these trustee areas and the methods of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at district-wide elections.

SUMMARY OF KEY ISSUES (Cont.)

This waiver request has been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waiver was initiated by resolutions of the governing board; and (2) there was no significant public opposition to the waiver at the public hearing held by the governing board.

Only the election to establish trustee areas and 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 waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Richland ESD to waive *EC* Section 5020 in its entirety and portions of *EC* sections 5019, 5021, and 5030.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: The Richland ESD has a 2010–11 student population of 3,296 and its territory includes rural areas of Kern County.

Authority for Waiver: *EC* Section 33050

Period of request: June 1, 2012, to May 31, 2014 (requested)
Period Recommended: June 1, 2012, to May 30, 2014 (recommended)

Local board approval date(s): January 23, 2012

Public hearing held on date(s): January 23, 2012

Bargaining unit(s) consulted on date(s): California School Employees' Association (CSEA): January 11, 2012, and January 19, 2012; Richland Teachers' Association (RTA): January 11, 2012

Name of bargaining unit/representative(s) consulted: CSEA: Kenny Daniel, President; RTA: Dr. Nancy Thompson

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☒ Oppose:

Comments (if appropriate):

The CSEA is neutral. The RTA is opposed for the following reasons: (1) did not feel they had enough information, (2) felt that the voters should have a voice in the matter, and (3) felt that not enough information had been sent directly to the public, especially minority groups.

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify): notice posted district office and on district website.

Advisory committee(s) consulted: District English Learners' Advisory Committee (DELAC); Golden Oak Elementary School Site Council (SSC); Richland Junior High SSC; Sequoia Elementary SSC.

Objections raised (choose one): ☐ None ☒ Objections are as follows:

The Sequoia Elementary SSC had the following objections: (1) the board would appoint if no candidate ran in a trustee area; (2) a trustee area election system may limit good candidates and may pit well-qualified candidates against one other in the same area; (3) Shafter City Council opposition should be considered; (4) accountability to constituents in a trustee area system is limited to one board member; and (5) the Richland board historically has reflected the diversity of the district.

Date(s) consulted: DELAC: January 10, 2012; all SSCs consulted on January 18, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver requests will result in the additional costs to the district for a district-wide election.

ATTACHMENT(S)

Attachment 1: California *Education Code* sections to be waived (5 pages)

Attachment 2: Richland Elementary School District General Waiver Request 3-1-2012 (11 Pages) (Original waiver request is signed and on file in the Waiver Office.)

California *Education Code* sections to be waived

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.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST *First Time Waiver: _X_*

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: ___**

Send Original plus one copy to:
Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	6	3	5	7	8

Local educational agency: **RICHLAND SCHOOL DISTRICT**	Contact name and Title: **KENNETH BERGEVIN, Ed.D, SUPERINTENDENT**	Contact person's e-mail address: **kbergevin@richland.k12.ca.us**
Address: (City) (State) (ZIP) **331 Shafter Avenue** **Shafter** **CA** **93263**		Phone (and extension, if necessary): **661/746-8600** Fax Number: **661/746-8614**
Period of request: (month/day/year) From: **1/1/2012** To: 12**/31/2013**	Local board approval date: (Required) **January 23, 2012**	Date of public hearing: (Required) **January 23, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5019, 5020, 5021, 5030 Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **CONSULTATIONS SCHEDULED FOR JANUARY 11, 2012 (RTA) AND JANUARY 11, 2012 (CSEA)**

Name of bargaining unit and representative(s) consulted: **RICHLAND TEACHERS ASS'N, NANCY THOMPSON, PRES.**

CSEA CHAPTER 39, KENNY DANIEL, PRESIDENT

The position(s) of the bargaining unit(s): __ **Neutral** __ **Support** __ Oppose (*Please specify why*) To be determined at January consultations; District will provide results immediately after meetings conclude.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised? **Notice will be posted as indicated below. Hearing date: January 23, 2012**

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)* **TO BE POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE, IN ENGLISH AND IN SPANISH.**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
PLEASE SEE ATTACHMENT A
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A**

Were there any objection(s)? **No** __ Yes ___ (*If there were objections please specify)* **SEE ATTACHMENT A**

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

SEE ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.
Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Richland School District's adoption of by-trustee area elections. The Richland School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. This County Committee approved the change to the District's electoral system as well as a specific trustee area plan. The approval of by-trustee area elections by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. Also, the subsequent approval of a specific trustee area plan would normally be subject to a referendum period, but if qualified such a referendum would preclude by-trustee area elections in 2012. [See Attachment C]

8. Demographic Information:
Richland School District has a student population of 3247 and its territory includes rural areas of Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **SUPERINTENDENT**	Date: **December 23, 2011**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:

Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

Consultation With School Site Councils/Advisory Committees

Consulted Body	Scheduled Consultation Dates	Position
Golden Oak Elementary School Site Council	January 18, 2012	To be Determined – District Will Advise Following Scheduled Meeting
Redwood Elementary School Site Council	January 18, 2012	To be Determined – District Will Advise Following Scheduled Meeting
Sequoia Elementary School Site Council	January 18, 2012	To be Determined – District Will Advise Following Scheduled Meeting
Richland Junior High School Site Council	January 18, 2012	To be Determined – District Will Advise Following Scheduled Meeting
District Advisory Committee	January 12, 2012	To be Determined – District Will Advise Following Scheduled Meeting

Attachment B

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election ~~occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert~~

~~name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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 C

7. Desired Outcome/Rationale

The waiver of the election requirements in 5019(d) and 5020 will enable the Richland School District ("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.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (later reduced by the local superior court, whose ruling is now on appeal).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs' attorneys' fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of the Richland School District's neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district's governing board must reside within a specific geographic subarea of the district called a "trustee area" and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

The Richland School District currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a), and is therefore potentially vulnerable to suit under

the CVRA.1

On December 7, 2011, the Board adopted Resolution No. 2012-10, initiating an application to the Kern 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).

On December 7, 2011, following the release of the 2010 Census, the Richland School District Board also adopted a trustee area plan for submission to, and approval by, the County Committee, which the Committee approved on December 14, 2011.

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 2012 election. That, however, will preclude the District from implementing the new system in time for that election. Accordingly, the Board has scheduled consultations with its advisory committees, school site councils and bargaining units, and scheduled a duly-noticed public hearing to be held on January 23, 2012, at which time it will take formal action regarding approval of the 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 Resolution adopted by the Richland School District Board in December, 2011, and the approval of the County Committee.

The trustee area boundary plan was approved by the Richland School District Board and Kern County Committee 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 2012.

The Richland School District Board has determined that the public interest would be better served if trustees were elected by-trustee areas and makes the following points in support of the waiver:

1. 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, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The District's proposal was subjected to independent review by the County

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1 This does not represent a concession by the District that such a 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.

Committee, composed of disinterested officials familiar with local circumstances.

3. The District has scheduled consultations with its bargaining units, school site councils and advisory committees during the month of January, 2012, as well as a public hearing on the question of waiving the electoral requirements in the Education Code. Immediately upon completion of these events, the District will supplement this application with information concerning the position taken by each stakeholder group and the outcome of the public hearing.

ITEM #W-15

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Oak Run Elementary School District** to waive portions of California *Education Code* Section 5091, which will allow the board of trustees to make a provisional appointment to a vacant board position past the 60-day statutory deadline. Waiver Number: 19-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The State Board of Education (SBE) has previously approved similar waiver requests related to California *Education Code* (*EC*) Section 5091. The most recent approval was at the November 10, 2010, SBE meeting for the Junction Elementary School District (ESD) in Shasta County.

SUMMARY OF KEY ISSUES

Education Code Section 5091 provides that a school district governing board must make a provisional appointment or order an election to fill a vacancy on the governing board within 60 days of the occurrence of the vacancy. *EC* Section 5091 further provides that, if the district governing board fails to take action within 60 days, the county superintendent of schools (county superintendent) must order an election to fill the vacancy. Approval of this waiver request would remove the 60-day limit and the requirement that the Shasta County Superintendent call an election; thus, giving the Oak Run ESD governing board additional time to make a provisional appointment.

The vacancy on the governing board occurred on October 4, 2011, when a member of the governing board submitted a resignation. The term of this now vacant seat runs until December 2012. The Oak Run ESD actively recruited potential candidates to fill the vacancy and received no applications within the 60-day period. The Shasta County Superintendent acknowledges the difficulty of finding candidates for a school district governing board in a small rural community, supports the Oak Run ESD's waiver request, and has informed the district that it may continue to recruit candidates for the vacancy.

If the waiver request is approved, the governing board of Oak Run ESD would make an

SUMMARY OF KEY ISSUES (Cont.)

appointment to fill the vacancy and the appointed candidate would serve until the 2012 regularly scheduled governing board election. At this time, an election will be held for the position. If the waiver request is not approved, the vacancy could not be filled until the November 2012 election, given that *EC* Section 5091 requires that the election be held on the next established election date that occurs 130 or more days after the order of election. Thus, approval of the waiver offers the Oak Run ESD the earliest possibility to fill the current vacancy on the governing board.

Given the above considerations, and the finding that there is no substantial local opposition, the California Department of Education recommends that the SBE approve the waiver request of the Oak Run ESD.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: The Oak Run ESD has a student population of 28 and is located in a rural area in Shasta County.

Authority for Waiver: *EC* Section 33050

Period of request: October 4, 2011, to December 7, 2012

Local board approval date(s): October 26, 2011

Public hearing held on date(s): October 26, 2011

Bargaining unit(s) consulted on date(s): October 11, 2011

SUMMARY OF KEY ISSUES (Cont.)

Name of bargaining unit/representative(s) consulted: Oak Run Teachers' Association: Gayle Houchins, president; Debbie Diner, member; Frances Fennell, member.

Position of bargaining unit(s) (choose only one):

☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other (specify): posted at Oak Run store and post office.

Advisory committee(s) consulted: Oak Run School Site Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 22, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval (or disapproval).

ATTACHMENT(S)

Attachment 1: General Waiver Request (2 pages) Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST *First Time Waiver: _X_*

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Renewal Waiver: ___

Send Original plus one copy to:

Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and

back-up material to: waiver@cde.ca.gov

CD CODE						
4	5	7	0	0	8	6

Local educational agency: Oak Run Elementary School	Contact name and Title: Sarah Supahan Superintendent	Contact person's e-mail address: ssupahan@mac.com
Address: (City) (State) (ZIP) P.O. Box 48 Oak Run CA 96069		Phone (and extension, if necessary): 530 472-3241 ext.101 Fax Number: 530 472-1087
Period of request: (month/day/year) From: 10-4-11 To: 12-7-2012	Local board approval date: (Required) 10/26/11	Date of public hearing: (Required) 10/26/11

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5091 Circle One: *EC* or *CCR*

   Topic of the waiver: 60 day provisional appointment requirement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 10-11-11

   Name of bargaining unit and representative(s) consulted: Oak Run Teacher's Association
   Gayle Houchins; president, Debbie Diner; member, Frances Fennell; member
   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X_ Notice posted at each school __X_ Other: *(Please specify)* posted at Oak Run Store and Post Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: 2/22/12 Oak Run Site Council

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code Section 5091
Provisional appointment or special election; petition requirements
Waive the 60 day requirement in making provisional appointment

Please see attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Oak Run Elementary School District Board Member resigned from the Board of Trustees on October 4, 2011. This term was scheduled to end on 12-16-2011; therefore the resignation requires a provisional appointment of a new member to serve out the term. The Oak Run Elementary School District actively recruited for the position and received no applications in the allowed 60 day period. Due to this vacancy, the Oak Run Elementary School District has strongly voiced their support to waive the 60 day requirement in making the provisional appointment to the board of Trustees. We ask to have the time period extended until

8. Demographic Information:
Oak Run Elementary School District has a student population of 28 and is located in a rural area in Shasta County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-16

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Gateway Unified School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas and to reduce the number of governing board members from seven to five. Waiver Number: 123-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous waiver requests to eliminate the election requirement for a district to establish trustee areas for governing board elections—most recently for 11 districts at the March 8, 2012, SBE meeting. The SBE has also approved waivers to eliminate the election requirement for a district to reduce the size of its governing board from seven to five—the most recent at the July 13, 2011, SBE meeting for the Bass Lake Joint Union Elementary School District in Madera County.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the requirement that an election be held to approve: (1) new trustee areas and a by-trustee-area method of election for future governing board elections; and (2) the reduction from seven to five members of the governing board of the Gateway Unified School District (USD) in Shasta County. Voters in the districts will continue to elect all board members—however, should the waiver be approved, beginning with the next regular board election, all board members will be elected by trustee areas, and the board will be a five-member board. The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections, and the reduction in the number of members of a school district governing board. Pursuant to California *Education Code* (*EC*) Section 5020, county committee approval of the reduction constitutes an order of election; thus, voters in the district have final approval.

SUMMARY OF KEY ISSUES (Cont.)

Currently, the Gateway USD has a seven-member board elected from four trustee areas. Although members are required to reside within their respective trustee areas, the members are elected at-large (i.e., all voters in the Gateway USD vote for each governing board member). A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over such at-large election methods. To help protect itself from potential litigation, the Gateway USD is taking action to establish new trustee areas and adopt a by-trustee-area method of election for the governing board. In order to establish these trustee areas and the method of election as expeditiously as possible, the district is requesting that the SBE waive the requirement that the trustee areas and the election method be approved at district-wide elections.

Due to difficulty in having a sufficient number of individuals seek election or appointment to the governing board, and further fueled by budget constraints (reducing the size of the governing board will result in an estimated annual savings of $30,000), the Gateway USD governing board unanimously approved a resolution to reduce the size of the board and submitted it to the Shasta County Committee.

The Shasta County Committee held a public hearing on the proposal and unanimously approved the reduction on February 15, 2012. The governing board of the Gateway USD, in order to avoid the expense of an election on this reduction proposal, now is requesting that the SBE waive the election requirement.

This waiver request has been reviewed by California Department of Education (CDE) staff and have determined that: (1) the waivers were initiated by resolutions of the governing board; and (2) there was no significant public opposition to the waivers at the public hearings held by the governing board.

Only the election to establish trustee areas and election method, and the election to reduce the number of governing board members from seven to five, 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 waivers will not eliminate any existing legal rights of currently seated board members—including the right of each member to serve out the term for which he or she was elected.

It is the opinion of CDE staff that none of the grounds specified in *EC* Section 33051 that authorize denial of a waiver exist. The CDE recommends that the SBE approve, for the Gateway USD, the request to waive *EC* Section 5020 in its entirety and portions of *EC* sections 5019, 5021, and 5030.

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). “The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate

SUMMARY OF KEY ISSUES (Cont.)

councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver."

Demographic Information: The Gateway USD has a 2010–11 student population of 3,922 and is located within the city of Redding and Shasta Lake City in Shasta County.

Authority for Waiver: *EC* Section 33050

Period of request: February 15, 2012, to February 13, 2014
Period Recommended: February 15, 2012, to February 13, 2014

Local board approval date(s): February 15, 2012

Public hearing held on date(s): February 15, 2012

Bargaining unit(s) consulted on date(s): California School Employees' Association (CSEA): January 25, 2012; Gateway Teachers' Association (GTA): January 31, 2012

Name of bargaining unit/representative(s) consulted: CSEA: Ian Bates, President; GTA: Bob Anderson, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify): posted on district website.

Advisory committee(s) consulted: District Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 8, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in the additional costs to the district for a district-wide election.

ATTACHMENT(S)

Attachment 1: Gateway Unified School District General Waiver Request (7 Pages). (Original waiver request is signed and on file in the Waiver Office.)

GENERAL WAIVER REQUEST *First Time Waiver: X*

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Renewal Waiver: ___

Send Original plus one copy to:

Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and

back-up material to: waiver@cde.ca.gov

CD CODE						

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Gateway Unified School District	Michael J. Stuart Interim Superintendent	mstuart@gwusd.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
4411 Mountain Lakes Blvd.	Redding	CA	96003	Fax Number: (530) 245-7954

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 02/15/2012 To: 02/13/2014	February 15, 2012	February 15, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030 Circle One: ***EC*** or *CCR*

   Topic of the waiver: Waive election to establish new trustee areas, to reduce the size of the governing board from seven to five, and to change the method of election from "At Large" to "By Trustee Area."

2. If this is a renewal of a previously approved waiver, please list Waiver Number: __N/A_ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 25, 2012 (CSEA) and January 31, 2012 (GTA)

   Name of bargaining unit and representative(s) consulted:
   Bob Anderson, Gateway Teacher's Association (GTA)/CTA President; Ian Bates, CSEA President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)* Posted on District website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

District Advisory Committee (DAC)

Date the committee/council reviewed the waiver request: February 8, 2012

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Gateway Unified School District currently has seven board members. The Shasta County Board of Education, acting as the County Committee on School District Organization, has approved the recommendations to eliminate two of the seats as provided in Education Code § 5019, saving the District approximately $30,000.00. The District has not always had a sufficient number of individuals seek election or appointment to fill all positions of the Board. The Gateway Unified School District believes that the taxpayers of the District would be more economically served by having a District Board with five members rather than seven members.

Education Code §§ 5019 and 5020 authorizes the Shasta County Committee on School District Organization to establish boundaries for trustee areas if it acts to establish trustee elections by area rather than at large. The Gateway Unified School District believes that the citizens of the District would receive more effective representation if the trustees on its Board were elected only by the residents of the area each trustee resides and that the taxpayers of the District would be better served by having elections by trustee areas.

Following a public hearing, on February 15, 2012, the Shasta County Board of Education, acting as the County Committee on School District Organization, voted by a 7-0 margin, to reduce the size of the board, thereby exceeding the two-thirds majority to reduce the size of the Board from seven to five seats. The Shasta County Board of Education, on behalf of the Gateway Unified School District also voted to apply for a waiver of the election to establish new trustee areas, to reduce the size of the governing board from seven to five, and to change the method of election from “At Large” to “By Trustee Area.” The waiver is necessary to eliminate the election requirement and thereby avoid the associated election costs of approximately $30,000.00. The Gateway Unified School District Board of Trustees also unanimously approved seeking this waiver at its regularly scheduled board meeting on January 18, 2012.

8. Demographic Information:
The Gateway Unified School District has a student population of 2,645 and is located in the boundaries of the City of Redding and Shasta Lake City in Shasta County.

CURRENT TRUSTEES	CURRENT TRUSTEE AREAS	EXPIRATION OF TERM
Kay E. Kobe, D.C.	Area I – Bass	2012 (Retiring)
Deborah Bourne	Area II – Buckeye	2014
Fred Braun	Area II – Buckeye	2012 (Retiring)
Roger Hendricsen	Area III – Canyon Union	2012
Rose B. Smith	Area IV – Shasta Lake	2012 (Retiring)
Samantha Cassingham	Area IV – Shasta Lake	2014
Kenneth G. Matias	Area IV – Shasta Lake	2014

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Interim Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election

occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in _____ (insert~~

~~name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~
~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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.

ITEM #W-17

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Sierra Sands Unified School District** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to eliminate trustee areas and to reduce the number of governing board members from seven to five. Waiver Number: 157-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved waivers to eliminate the election requirement for a district to reduce the size of its governing board from seven to five—the most recent at the July 13, 2011, SBE meeting for the Bass Lake Joint Union Elementary School District in Madera County. The SBE has not considered a waiver request to remove the election requirement for a district to eliminate trustee areas for governing board elections.

SUMMARY OF KEY ISSUES

Approval of this waiver request would remove the requirement that an election be held to approve: (1) the elimination of trustee areas for future governing board elections; and (2) the reduction from seven to five members of the governing board of the Sierra Sands Unified School District (USD) in Kern County. Voters in the districts will continue to elect all board members—however, should the waiver be approved, beginning with the next regular board election, all board members will be elected at-large, and the board will be a five-member board. The county committee on school district organization (county committee) has the authority to approve or disapprove the elimination of trustee areas and changes to methods of election for school district governing board elections and the reduction in the number of members of a school district governing board. Pursuant to California *Education Code* (*EC*) Section 5020, county committee approval of the reduction constitutes an order of election; thus, voters in the district have final approval.

SUMMARY OF KEY ISSUES (Cont.)

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA) over their at-large election methods. However, the Sierra Sands USD does not believe that it has significant exposure under the CVRA. The largest minority groups in the district are Hispanic and African-American (16.2 percent and 3.9 percent, respectively, of the district's total population).

Further, the Sierra Sands USD currently has only two trustee areas for governing board elections, which were established in 1974 when the district unified. One trustee area (and one seat on the board) was established for the Rand/Johannesburg area of the district (one of the former elementary districts that merged to form the current unified district), while the second trustee area contains the remainder of the district (with the remaining six seats on the board). Population changes over the years have resulted in the Rand/Johannesburg area comprising less than eight percent of the district's current population—thus the Sierra Sands USD governing board finds that the current trustee area system provides disproportionate representation and believes that an at-large method of electing governing board members will be in the district's best interest.

The subject of reducing the size of the governing board from seven to five members was raised in September 2011 by the Kern County Grand Jury, which was critical of overall board member expenses in Kern County. The Sierra Sands USD estimates that a five member board could result in savings from $139,134 to $368,688 in health insurance, meeting stipends, and travel and conference costs over a ten-year period.

The Sierra Sands USD is requesting that the SBE approve its requests to waive elections: (1) to eliminate trustee areas for future governing board elections; and (2) to reduce the size of the governing board from seven to five members.

These waiver requests have been reviewed by California Department of Education (CDE) staff and have determined that: (1) the waivers were initiated by resolutions of the governing board; and (2) there was no significant public opposition to the waivers at the public hearings held by the governing board.

Only the election to remove trustee areas and the election to reduce the number of governing board members from seven to five, 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 waivers will not remove any existing legal rights of currently seated board members—including the right of each member to serve out the term for which he or she was elected.

It is the opinion of CDE staff that none of the grounds specified in *EC* Section 33051 that authorize denial of a waiver exist. The CDE recommends that the SBE approve, for the Sierra Sands USD, the request to waive *EC* Section 5020 in its entirety and portions of *EC* sections 5019, 5021, and 5030.

SUMMARY OF KEY ISSUES (Cont.)

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). "The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
(4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver."

Demographic Information: The Sierra Sands USD has a 2010–11 student population of 5,232 and its territory includes both metropolitan Ridgecrest and rural areas of eastern Kern County.

Authority for Waiver: *EC* Section 33050

Period of request: June 1, 2012, to May 31, 2014 (requested)
Period Recommended: June 1, 2012, to May 30, 2014 (recommended)

Local board approval date(s): February 16, 2012

Public hearing held on date(s): February 16, 2012

Bargaining unit(s) consulted on date(s): California School Employees' Association (CSEA): February 14, 2012; Desert Area Teachers' Association (DATA): February 13, 2012; Desert Area Guidance Association (DAGA): February 15, 2012

Name of bargaining unit/representative(s) consulted: CSEA: Randy Coit, President; DATA, Maureen Glennon, President; DAGA: James Miller, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify): notice posted district office and on district website.

Advisory committee(s) consulted: District English Learners' Advisory Committee (DELAC), All (11) School Site Councils (SSCs)

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: DELAC: February 10, 2012; all SSCs consulted between February 6, 2012, and February 14, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver request will not have negative fiscal effects on any local or state agency. Failure to approve the waiver request will result in the additional costs to the district for district-wide elections.

ATTACHMENT(S)

Attachment 1: California *Education Code* sections to be waived (5 pages)

Attachment 2: Sierra Sands Unified School District General Waiver Request 157-2-2012 to eliminate trustee areas (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Sierra Sands Unified School District General Waiver Request 157-2-2012 to reduce the number of governing board members from seven to five (7 Pages) (Original waiver request is signed and on file in the Waiver Office.)

California *Education Code* sections to be waived

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.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST *First Time Waiver: _X_*

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: ___**

Send Original plus one copy to:
Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	7	3	7	4	2

Local educational agency: **SIERRA SANDS UNIFIED SCHOOL DISTRICT**	Contact name and Title: **JOANNA RUMMER** **SUPERINTENDENT**	Contact person's e-mail address: **jrummer@ssusd.org**
Address: (City) (State) (ZIP) **113 Felspar Avenue** **Ridgecrest** **CA** **93555**		Phone (and extension, if necessary): **760/499-1600** Fax Number: **760/375-3363**
Period of request: (month/day/year) From: **6/1/2012** To: **5/31/2014**	Local board approval date: (Required) **February 16, 2012**	Date of public hearing: (Required) **February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020, 5021 AND 5030 TO ABOLISH TRUSTEE RESIDENCE AREAS AND CHANGE ELECTION SYSTEM**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **DESERT AREA TEACHERS ASSOCIATION/CTA/NEA, 2/13/2012; DESERT AREA GUIDANCE ASSOCIATION, 2/15/2012; CALIF. SCHOOL EMPLOYEES ASSOCIATION, RIDGECREST CHAPTER 188, 2/14/2012.**

Name of bargaining unit and representative(s) consulted: **DESERT AREA TEACHER'S ASSOCIATION, MAUREEN GLENNON, PRESIDENT; DESERT AREA GUIDANCE ASSOCIATION, JAMES MILLER, PRESIDENT; CALIF. SCHOOL EMPLOYEES ASSOCIATION, RIDGECREST CHAPTER 188, RANDY COIT, PRESIDENT.**

The position(s) of the bargaining unit(s): __ Neutral _X_ **Support** __ Oppose (*Please specify why*) **ALL THREE BARGAINING UNITS IN SUPPORT OF WAIVER.**

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)* **NOTICE POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE.**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
SEE ATTACHMENT A
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A**

Were there any objection(s)? **No _X_** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

SEE ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Sierra Sands Unified School District's abolishment of trustee residence areas and adoption of an "at-large" election system without the current "from-trustee area" component. The Sierra Sands Unified School District adopted a resolution applying to the County Committee to authorize a change of election system for the November 2012 election. The resolution has been submitted to the County Committee for approval at a meeting to be scheduled in March or April, 2012. The approval of the abolishment of trustee areas and change in election systems by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of these changes without a local election. [See additional comments in Attachment C and see Attachment E, Sierra Sands Unified School District Resolution No. 26 1112 (approving the waiver application).]

8. Demographic Information:
Sierra Sands Unified School District has a student population of 5,025 and its territory includes both metropolitan Ridgecrest and rural areas of eastern Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
/s/ JOANNA RUMMER	**SUPERINTENDENT**	**February 23, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:

Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A
SIERRA SANDS UNIFIED SCHOOL DISTRICT
Consultation with School Site Councils/Advisory Committees

Consulted Body	Date	Position
Burroughs High School Site Council	2/13/2012	Support
Theodore H. Faller Elementary School Site Council	2/9/2012	Support
Gateway Elementary School Site Council	2/6/2012	Support
Inyokern Elementary School Site Council	2/10/2012	Support
Las Flores Elementary School Site Council	2/13/2012	Support
James Monroe Middle School Site Council	2/13/2012	Support
Mesquite Continuation High School Site Council	2/10/2012	Support
Murray Middle School Site Council	2/14/2012	Support
Pierce Elementary School Site Council	2/13/2012	Support
Rand Elementary School Site Council	2/9/2012	Support
Richmond Elementary School Site Council	2/10/2012	Support
District English Learners Advisory Committee (DELAC)	2/10/2012	Support

ATTACHMENT B
SIERRA SANDS UNIFIED SCHOOL DISTRICT

6. Education Code or California Code of Regulations sections to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election ~~occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within~~

~~60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters.~~

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~
~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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 C
SIERRA SANDS UNIFIED SCHOOL DISTRICT

7. Desired Outcome/Rationale

The waiver of the election requirements in Education Code §§ 5020, 5021 and 5030 will enable the Sierra Sands Unified School District ("District") to abolish two existing "trustee residence areas" and implement an election system which will continue to be "at-large," but will not require candidates to live in any particular area of the District, and will ensure that the District proceeds in the most efficient and cost-effective manner. 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.

Under the District's current "from trustee area" election system (Education Code § 5030(c)), one Board seat is reserved for candidates residing in the Rand/Johannesburg portion of the District, corresponding to a former elementary district which merged with others in the 1974 unification which created the District. The other six trustees must reside in a trustee residence area composed of the remaining territory of the District. Upon review of 2010 Census data, it became apparent that, due to population shifts in the District, a rebalancing of the trustee areas in light of total population in the District would result in the Rand trustee area having fewer than 8 percent of its population coming from Rand. Because a separate trustee area encompassing Rand would no longer serve the purpose of preserving a voice for the Rand Area, the Board determined that eliminating the trustee residence areas would be in the District's best interest. This action will also save legal and demographics costs relating to periodic rebalancing of the trustee areas, and will result in residents of Rand being able to run for any of the seven school board seats, rather than only a single seat.

On January 23, 2012, the Board voted unanimously to adopt Resolution No. 21 1112 (Attachment D), initiating an application to the Kern County Committee on School District Organization ("County Committee") to abolish the District's trustee residence areas and change its method of election from one in which trustees are "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" [Educ. Code § 5030(c)] to one in which trustees are elected simply "by the registered voters of the entire District (Educ. Code § 5030(a), effective with the November 2012 governing board elections. (Attachment D).

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 2012 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, school site councils and bargaining units, and held a duly-noticed public hearing, and on February 16, 2012, adopted Resolution No. 26 1112 approving the submission of a waiver of the electoral requirement (Attachment E). There was no opposition to the elimination of trustee residence areas or the request for a

waiver of the election requirement, and the school site council for Rand School (as well as all other school site councils) voted in support of the waiver. The District Board, including the trustee from the Rand area, voted unanimously in favor of both the resolution to abolish trustee residence areas and the resolution to seek a waiver of the election requirement.

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution adopted by the Sierra Sands Unified School District Board on January 23, 2012, with the approval of the County Committee.

The District's resolution was approved by the Sierra Sands Unified School District Board following an extensive public process, including televised public hearings. It will be submitted to the County Committee for further review and proceedings. There has been no public opposition to the waiver application. All public comments regarding the Resolution to eliminate trustee residence areas and regarding the associated waiver were in support of both actions.

The Sierra Sands Unified School District Board has therefore determined that the public interest would be better served if trustees were elected at-large, without regarding to trustee residence areas, and makes the following points in support of the waiver:

1. The District's resolution was approved by the Sierra Sands Unified School District Board following an extensive public process, including televised public hearings. The District's proposal will be subjected to independent review and further proceedings by the County Committee, composed of disinterested officials familiar with local circumstances.

2. No member of the public spoke against the waiver at the duly-noticed public hearings. School site councils from all schools within both trustee residence areas supported the waiver request.

3. There has been no public opposition to the elimination of trustee residence areas. All public comments at the public board meetings and hearings regarding the resolution to eliminate trustee residence areas and regarding the associated waiver were in support of both actions. A copy of a local newspaper article on the issue is attached as Attachment F.

4. The District does not have great exposure under the California Voting Rights Act. Its largest minority groups are Hispanic and African-American residents, representing 16.2 percent and 3.9 percent of total population, respectively, according to the 2010 Census. Hispanic citizen voting age population for the District is 10.8 percent according to the Special Tabulation, and 2010 Hispanic voter registration was 6.6 percent. No census block in the District exceeds 30 percent in terms of Hispanic citizen voting age population.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST *First Time Waiver: _X_*

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: ___**

Send Original plus one copy to:
Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	7	3	7	4	2

Local educational agency: **SIERRA SANDS UNIFIED SCHOOL DISTRICT**	Contact name and Title: **JOANNA RUMMER** **SUPERINTENDENT**	Contact person's e-mail address: **jrummer@ssusd.org**
Address: (City) (State) (ZIP) **113 Felspar Avenue** **Ridgecrest** **CA** **93555**		Phone (and extension, if necessary): **760/499-1600** Fax Number: **760/375-3363**
Period of request: (month/day/year) From: **6/1/2012** To: **5/31/2014**	Local board approval date: (Required) **February 16, 2012**	Date of public hearing: (Required) **February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5020 Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE § 5020 TO REDUCE THE NUMBER OF GOVERNING BOARD MEMBERS FROM SEVEN TO FIVE.**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **DESERT AREA TEACHERS ASSOCIATION/CTA/NEA, 2/13/2012; DESERT AREA GUIDANCE ASSOCIATION, 2/15/2012; CALIF. SCHOOL EMPLOYEES ASSOCIATION, RIDGECREST CHAPTER 188, 2/14/2012.**
Name of bargaining unit and representative(s) consulted: **DESERT AREA TEACHER'S ASSOCIATION, MAUREEN GLENNON, PRESIDENT; DESERT AREA GUIDANCE ASSOCIATION, JAMES MILLER, PRESIDENT; CALIF. SCHOOL EMPLOYEES ASSOCIATION, RIDGECREST CHAPTER 188, RANDY COIT, PRESIDENT.**
The position(s) of the bargaining unit(s): __ Neutral _X_ **Support** __ Oppose (*Please specify why*) **ALL THREE BARGAINING UNITS IN SUPPORT OF WAIVER.**
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)* **NOTICE POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE.**

9. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
SEE ATTACHMENT A
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A**

Were there any objection(s)? **No _X_** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

10. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

SEE ATTACHMENT B

11. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Sierra Sands Unified School District's action to reduce the size of its governing board from seven to five members. The Sierra Sands Unified School District adopted a resolution applying to the County Committee to decrease the number of governing board members from seven to five for the November 2012 election. The resolution has been submitted to the County Committee for approval at a meeting to be scheduled in March or April, 2012. The approval of the decrease in the number of governing board members would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of these changes without a local election, with significant cost savings to the District and expected efficiencies. [See additional comments in Attachment C and see Attachment E, Sierra Sands Unified School District resolution approving the waiver application.]

12. Demographic Information:

Sierra Sands Unified School District has a student population of 5,025 and its territory includes both metropolitan Ridgecrest and rural areas of eastern Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
/s/ JOANNA RUMMER	**SUPERINTENDENT**	**February 23, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A
SIERRA SANDS UNIFIED SCHOOL DISTRICT

Consultation with School Site Councils/Advisory Committees

Consulted Body	Date	Position
Burroughs High School Site Council	2/13/2012	Support
Theodore H. Faller Elementary School Site Council	2/9/2012	Support
Gateway Elementary School Site Council	2/6/2012	Support
Inyokern Elementary School Site Council	2/10/2012	Support
Las Flores Elementary School Site Council	2/13/2012	Support
James Monroe Middle School Site Council	2/13/2012	Support
Mesquite Continuation High School Site Council	2/10/2012	Support
Murray Middle School Site Council	2/14/2012	Support
Pierce Elementary School Site Council	2/13/2012	Support
Rand Elementary School Site Council	2/9/2012	Support
Richmond Elementary School Site Council	2/10/2012	Support
District English Learners Advisory Committee (DELAC)	2/10/2012	Support

ATTACHMENT B
SIERRA SANDS UNIFIED SCHOOL DISTRICT

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

~~§ 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.~~

ATTACHMENT C
SIERRA SANDS UNIFIED SCHOOL DISTRICT

7. Desired Outcome/Rationale

The waiver of the election requirements in Education Code section 5020 will enable the Sierra Sands Unified School District ("District") to implement the reduction in the size of its governing board with the 2012 school board elections, thus enabling the District to realize important efficiencies and cost savings, and to save any added election costs associated with placing this matter on the ballot.

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.

A. Background.

Upon unification in 1974, the District was established with a seven-member governing board, one of two K-12 districts in Kern County with seven member Boards. Trustees report that the question of reducing the number of Board members to five has been raised at various times over the years.

The subject was discussed again in light of a September, 2011 report of the Kern County Grand Jury critical of Board member expenses on the part of county school districts. Staff was requested to study the procedure for reducing Board size as well as potential cost savings. Staff estimated that, over a ten-year period, the change to a five-member Board could save the District between $139,134 and $368,688 in costs associated to Board health insurance, meeting stipends and travel and conference costs. (See Staff Report, Attachment F).1

Board members expressed that in addition to cost savings, the reduction in Board size should lead to greater efficiency at the Board and District administration levels.

B. Local Process.

On February 6, 2012, the Board held a duly-noticed, advertised and televised public hearing on the proposed resolution to decrease Board size. Two members of the public testified that the change was long overdue; no member of the public spoke in opposition to the reduction. The Board adopted Resolution No. 22 1112, initiating an application to the Kern County Committee on School District Organization ("County Committee") to decrease the number of governing board members from seven to five [Cal Educ. Code § 5019), effective with the November 2012 governing board elections. (Attachment D).

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1 The higher figure ($368,688) represents the estimated savings if all seven Board members took all available Board benefits and the same were true on a five-member Board. Historically, not all Board members have accepted all available benefits. Using a historical average, if the new five member Board accepted benefits at the same level as the seven-member Board has historically done, the savings is estimated to be $303,102. Comparing the current actual figures for the seven member Board with a five member Board accepting all available benefits yields an estimated savings of $139,134.

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 2012 election. That, however, will preclude the District from implementing the new system in time for that election. On February 16, the Board held a duly-noticed, advertised and televised public hearing, following which it adopted Resolution No. 27 1112 approving the submission of a waiver of the electoral requirement (Attachment E).2 No member of the public spoke in opposition to the waiver request; two members of the public urged the Board to approve the waiver.

The District has consulted with its advisory committees, school site councils and bargaining units. All three bargaining units, the District English Learners Advisory Committee (DELAC), and all eleven school site councils were in support of the waiver request.

If the waiver is approved, a local election would not be held: the decrease in the number of governing Board members would take effect pursuant to the Board-adopted Resolution, with the approval of the County Committee.

With no public opposition, the Sierra Sands Unified School District Board has determined that the public interest would be better served if the number of governing board seats is reduced to five as soon as possible, and makes the following points in support of the waiver:

1. The District's proposal will be subjected to independent review and further proceedings by the County Committee, composed of disinterested officials familiar with local circumstances.

2. No member of the public spoke against the waiver at the duly-noticed public hearings.

3. No member of the public opposed the reduction in size of the Governing Board.

4. All stakeholder groups expressed support for the reduction and the waiver.

5. The District does not have great exposure under the California Voting Rights Act. Its largest minority groups are Hispanic and African-American residents, representing 16.2 percent and 3.9 percent of total population, respectively, according to the 2010 Census. Hispanic citizen voting age population for the District is 10.8 percent according to the Special Tabulation, and 2010 Hispanic voter registration was 6.6 percent. No census block in the District exceeds 30 percent in terms of Hispanic citizen voting age population.

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2 The Board took action by a vote of 5-2 to adopt the resolution authorizing the waiver request. The two members not in favor of the waiver were concerned that the public may wish to vote on the issue. Other Board members commented that virtually no member of the public has come forward at any time to advocate for the maintenance of a seven-member Board, and that the meetings and public hearings on the subject have been widely publicized, reported on in the local newspaper, and televised.

ITEM #W-18

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Madera County Office of Education** to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas for the following seven districts. Alview-Dairyland Union Elementary Bass Lake Joint Union Elementary Chawanakee Unified Chowchilla Elementary Chowchilla Union High Golden Valley Unified Yosemite Unified Waiver Number: 172-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests during the past three years—the most recent ones were waiver requests from eleven school districts that were approved at the March 8, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the seven listed school districts (Note: The Madera County Office of Education [COE], pursuant to subdivision [a] of California *Education Code* [*EC*] Section 33050 submitted a single waiver request on behalf of these districts). Voters in the seven districts will continue to elect all board members of their respective districts—however, should the waiver be approved, all board members will be elected by trustee areas, beginning with the next regular board elections.

The county committee on school district organization (county committee) has 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,

SUMMARY OF KEY ISSUES (Cont.)

county committee approval of trustee areas and methods of elections constitutes an order of election; thus, voters in the district have final approval over these changes.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect themselves from potential litigation, the seven school districts are taking action to establish new trustee areas and adopt by-trustee-area methods of election for the governing boards. In order to establish these trustee areas and the methods of election as expeditiously as possible, the Madera COE is requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at district-wide elections.

These waiver requests have been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waivers the governing boards of all seven districts and the Madera County Board adopted a resolution to support this request; and (2) there was no significant public opposition to the waivers at the public hearings held by the governing boards or the Madera COE.

Only the election to establish trustee areas and election method will be eliminated by approval of the waiver request—voters in the school districts will continue to elect all governing board members. Moreover, approval of the waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the request by the Madera COE to waive *EC* Section 5020 in its entirety and portions of *EC* sections 5019, 5021, and 5030 for the seven school districts.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Authority for Waiver: *EC* Section 33050

Period of request: March 1, 2012, to February 27, 2014

Period Recommended: March 1, 2012, to February 27, 2014

Local board approval date(s): February 16, 2012

Public hearing held on date(s): February 8, 14, and 16, 2012

Bargaining unit(s) consulted on date(s): See Attachment 1

Name of bargaining unit/representative(s) consulted: See Attachment 1

Position of bargaining unit(s) (choose only one):
☒ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☐ other (specify):

Advisory committee(s) consulted: Council of District Superintendents in Madera County; Committee of Madera County District Chief Business Officers (CBOs).

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: Superintendents: March 21, 2012; CBOs: April 13, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver requests will result in additional costs to the districts for a district-wide election.

ATTACHMENT(S)

Attachment 1: Trustee area election waivers (1 page)

Attachment 3: Madera County Office of Education General Waiver Request (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST *First Time Waiver:* _X_

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Renewal Waiver: ___

Send Original plus one copy to:

Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and

back-up material to: waiver@cde.ca.gov

CD CODE						
2	0	1	0	2	0	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Madera County Office of Education	Geri Kendall Cox Chief Bus. & Admin. Svcs. Officer	gkcox@maderacoe.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
28123 Avenue 14 Madera CA 93638	(559) 662-6230 Fax Number: (559) 673-5569

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 3/1/2012 To: 2/27/2014	2/16/2012	2/8/2012, 2/14/2012 & 2/16/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 5020 & portions of 5019, 5021 & 5030 Circle One: *EC* or *CCR*

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A_ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Various dates of board meetings and public hearings conducted by districts. Additional consultation between units and County Office of Education on March 13, 2012 and March 14, 2012.

Name of bargaining unit and representative(s) consulted: **Attachment C: Districts & meeting and hearing dates**.

The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
The council of District Superintendents in Madera County and the committee of Madera County District CBOs.
Date the committee/council reviewed the waiver request: The Superintendents reviewed the request for waiver of election at the March 21, 2012 meeting and the CBOs reviewed the request for waiver of election at the April 13, 2012 meeting.

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Please see Attachment A.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The Madera County Board of Education, sitting as the County Committee on School District Organization, has been involved since August, 2008 in a CVRA lawsuit filed against the Madera Unified School District, challenging the district electing trustees via an "at large" basis. In order to protect other districts in the county as well as the County Board of Education from similar challenging legal action, the County Committee has requested that all other districts in the county study the adoption of trustee areas, based on 2010 census information. Of the remaining eight school districts, the trustees of all eight districts have studied the matter, have conducted public hearings, and seven have adopted trustee areas. The Madera County Board of Education, sitting as the County Committee on School District Organization, has conducted public hearings in each of the districts' territories and has adopted resolutions approving the trustee areas submitted by the districts. The Madera County Board of Education, sitting as the County Committee on School District Organization, has also conducted public hearings on waiving the election to establish the trustee areas in order to streamline local agency operations and make the trustee areas operable for upcoming board elections in November, 2012. There was no opposition to waiving the elections expressed at any of the public hearings conducted by the Madera County Board of Education and a resolution to move forward with this waiver request, on behalf of each of the school districts was adopted on February 16, 2012.

8. Demographic Information: **Please see Attachment B for District and COE information**.
(*District/school/program)*__ has a student population of _____ and is located in a __(*urban, rural, or small city etc.)*__ in _____ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: County Superintendent of Schools	Date: February 21, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the~~

~~electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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

8. Demographic Information on districts covered by waiver request:

Alview-Dairyland Union School District has a student population of 339 and is located in a rural portion of Madera County.

Bass Lake Joint Union School District has a student population of 818 and is located in a rural portion of eastern Madera County.

Chawanakee Unified School District has a student population of 872 and is located in a rural portion of eastern Madera County.

Chowchilla Elementary School District has a student population of 1,973 and is located in a small city in Madera County.

Chowchilla Union High School District has a student population of 957 and is located in a small city and a rural area in Madera County.

Golden Valley Unified School District has a student population of 1,854 and is located in a suburban and rural portion of Madera County.

Yosemite Unified School District has a student population of 1,832 and is located in a rural portion of eastern Madera County.

Attachment C

Meeting and hearing dates for districts covered by waiver request:

Alview-Dairyland Union School District has ADTA (certificated) and no classified association. The CTA unit president is Jennifer Paine, a Second Grade Teacher at Alview School. Her email address is jpaine@adusd.k12.ca.us . This topic was covered in public meetings on November 15, 2011, December 13, 2011, January 10, 2012, and a public hearing with action on January 24, 2012.

Bass Lake Joint Union School District has BLTA (certificated) and CSEA (classified) associations. The CTA unit president is Bonnie Mills, a Sixth Grade Teacher at Oak Creek Intermediate School. Her email address is bmills@blsd.k12.ca.us . The CSEA unit president is Cliff Neufeld, Operations, Oakhurst Elementary School. His phone number is 559-642-1580. This topic was covered in public meetings on November 9, 2011, January 11, 2012, January 26, 2012 and a public hearing with action on February 8, 2012.

Chawanakee Unified School District has CTA (certificated) and no classified association. The CTA unit president is Jessica Fairbanks, Teacher at North Fork Elementary School. Her email address is Jfairbanks@mychawanakee.org . This topic was covered in public meetings on September 13, 2011, November 8, 2011, December 13, 2011 and a public hearing with action on January 31, 2012.

Chowchilla Elementary School District has CETA (certificated) and CSEA (classified) associations. The CTA unit representatives are Mark Lewis, Second Grade Teacher, and Karen Bonner, First Grade Teacher at Fuller School. Their phone number is 559-665-8050. The CSEA unit representative is Kathi (Fetterman) Altimus, Operations, at Fairmead School. Her phone number is 559-665-8040. This topic was covered in public meetings on October 24, 2011, January 5, 2012, and a public hearing January 9, 2012 with action on January 23, 2012.

Chowchilla Union High School District has CTA Chapter 126 (certificated) and CSEA Chapter 409 (classified) associations. The CTA unit president is Audrey Perryman, Teacher. Her email address is perrymana@chowhigh.com . The CSEA unit representative is Kenneth Beal, Custodian/Grounds/Bus Driver. His email address is bealk@chowhigh.com . This topic was covered in public meetings on January 9, 2012 and a public hearing with action on February 6, 2012.

Golden Valley Unified School District has GVTA (certificated) and CSEA (classified) associations. The CTA representative is Teri Malmstrom, Teacher at Liberty High School. Her email address is tmalmstrom@gvusd.com . The CSEA unit representative is Sylvia Diaz, Bus Driver. Her email address is sdiaz@gvusd.com . This topic was covered in public meetings on November 1, 2011, December 20, 2011 and a public hearing with action on February 7, 2012.

Yosemite Unified School District has YUTA (certificated) and CSEA (classified) associations. The CTA unit president is Deborah Brown, Teacher at Yosemite High School. Her email address is dbrown@yosemiteuhsd.com . The CSEA chapter president is Danielle Vawter, Attendance, at Yosemite High School. Her email address is dvawter@yosemiteusd.com . This topic was covered in public meetings on January 9, 2012, January 23, 2012 and a public hearing with action on February 13, 2012.

Trustee Area Election Waivers

Districts seeking waivers of elections to establish trustee areas--all of Education Code Section 5020; portions of sections 5019, 5021 and 5030

District	2011 Growth API	Demographic Information	Local Board Public Hearing and Approval Dates	Bargaining Unit/Representatives Consulted and Position Bargaining Unit representatives attended and were consulted at the "Additional public meetings" listed in previous column.
Alview-Dairyland Union Elementary School District	844	The Alview-Dairyland Union Elementary SD has a student population of 339 and is located in a rural portion of Madera County.	January 24, 2012; Additional public meetings: November 15, 2011, December 13, 2011, January 10, 2012	Alview-Dairyland Teachers' Association, Jennifer Paine, President: **Neutral**
Bass Lake Joint Union School District	813	The Bass Lake Joint Union SD has a student population of 818 and is located in a rural portion of eastern Madera County.	February 8, 2012; Additional public meetings: November 9, 2011, January 11, 2012, January 26, 2012	California School Employees' Association, Cliff Neufeld, President: **Neutral;** Bass Lake Teachers' Association, Bonnie Mills, President: **Neutral**
Chawanakee Unified School District	761	The Chawanakee Unified SD has a student population of 872 and is located in a rural portion of eastern Madera County.	January 31, 2012; Additional public meetings: September 13, 2011, November 8, 2011, December 13, 2011	California Teachers' Association, Jessica Fairbanks, President: **Neutral**
Chowchilla Elementary School District	765	The Chowchilla Elementary SD has a student population of 1,973 and is located in a small city in Madera County.	**Public hearing**: January 9, 2012; **Action**: January 31, 2012; Additional public meetings: October 24, 2011, January 5, 2012	California School Employees' Association, Kathi (Fetterman) Altimus, representative: **Neutral;** Chowchilla Elementary Teachers' Association, Mark Lewis and Karen Bonner, representatives: **Neutral**
Chowchilla Union High School District	732	The Chowchilla Union High SD has a student population of 957 and is located in a small city and a rural area in Madera County.	February 6, 2012; Additional public meeting: January 9, 2012	California School Employees' Association, Kenneth Beal, representative: **Neutral;** California Teachers' Association, Audrey Perryman, President: **Neutral**
Golden Valley Unified School District	835	The Golden Valley Unified SD has a student population of 1,854 and is located in a suburban and a rural portion of Madera County.	February 7, 2012; Additional public meetings: November 1, 2011, December 20, 2011	California School Employees' Association, Sylvia Diaz, representative: **Neutral;** Golden Valley Teachers' Association, Teri Malmstrom, representative: **Neutral**
Yosemite Unified School District	unavailable as of revision date	The Yosemite Unified SD has a student population of 1,832 and is located in a rural portion of eastern Madera County.	February 13, 2012; Additional public meetings: January 9, 2012, January 23, 2012	California School Employees' Association, Danielle Vawter, President: **Neutral;** Yosemite Unified Teachers' Association, Deborah Brown, President: **Neutral**

Prepared by the California Department of Education; Revised on 3/15/12

ITEM #W-19

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT

Request by 10 districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.

Waiver Numbers: Bakersfield City 143-1-2012
Escalon Unified 21-1-2012
Escondido Union High 85-2-2012
Esparto Unified 32-1-2012
Greenfield Union Elementary 6-1-2012
Gustine Unified 2-3-2012
Kern Union High 2-1-2012
Lake Elsinore Unified 4-1-2012
Panama-Buena Vista Union Elem. 144-1-2012
Winters Joint Unified 26-1-2012

☒ **Action**

☒ **Consent**

RECOMMENDATION

☒ **Approval** ☐ **Approval with conditions** ☐ **Denial**

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California State Board of Education (SBE) has approved numerous similar waiver requests during the past three years—the most recent ones were waiver requests from eleven school districts that were approved at the March 8, 2012, SBE meeting.

SUMMARY OF KEY ISSUES

Approval of this waiver request would eliminate the election requirement for approval of trustee areas and a by-trustee-area method of election for future governing board elections in the 10 listed school districts. Voters in the districts will continue to elect all board members—however, should the waiver be approved, all board members will be elected by trustee areas, beginning with the next regular board elections.

The county committee on school district organization (county committee) has the authority to approve or disapprove the adoption of trustee areas and methods of election for school district governing board elections. Pursuant to California *Education Code* (*EC*) Section 5020, county committee approval of trustee areas and methods of

SUMMARY OF KEY ISSUES (Cont.)

elections constitutes an order of election; thus, voters in the district have final approval over these changes.

A number of districts in California are facing existing or potential litigation under the California Voting Rights Act of 2001 over their at-large election methods. To help protect themselves from potential litigation, the four school districts are taking action to establish new trustee areas and adopt by-trustee-area methods of election for the governing boards. In order to establish these trustee areas and the methods of election as expeditiously as possible, the districts are requesting that the SBE waive the requirement that the trustee areas and the election methods be approved at district-wide elections.

These waiver requests have been reviewed by California Department of Education (CDE) staff and a determination has been made that: (1) the waivers were initiated by resolutions of the governing boards; and, (2) there was no significant public opposition to the waivers at the public hearings held by the governing boards.

Only the election to establish trustee areas and 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 waivers will not eliminate any existing legal rights of currently seated board members.

The CDE finds that none of the grounds specified in *EC* Section 33051, which authorize denial of a waiver, exist. The CDE recommends that the SBE approve the requests by the school districts to waive *EC* Section 5020 in its entirety and portions of *EC* sections 5019, 5021, and 5030.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Authority for Waiver: *EC* Section 33050

FISCAL ANALYSIS (AS APPROPRIATE)

Approval of the waiver requests will not have negative fiscal effects on any local or state agency. Failure to approve the waiver requests will result in the additional costs to the districts for a district-wide election.

ATTACHMENT(S)

Attachment 1: Trustee area election waivers (4 pages)

Attachment 2: California *Education Code* sections to be waived (5 pages)

Attachment 3: Bakersfield City School District (143-1-2012) General Waiver Request for Trustee Area Elections. (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Escalon Unified School District (21-1-2012) General Waiver Request for Trustee Area Elections. (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Escondido Union High School District (85-2-2012) General Waiver Request for Trustee Area Elections. (6 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Esparto Unified School District (32-1-2012) General Waiver Request for Trustee Area Elections. (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Greenfield Union Elementary School District (6-1-2012) General Waiver Request for Trustee Area Elections. (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Gustine Unified School District (2-3-2012) General Waiver Request for Trustee Area Elections. (10 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Kern Union High School District (2-1-2012) General Waiver Request for Trustee Area Elections. (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 10: Lake Elsinore Unified School District (4-1-2012) General Waiver Request for Trustee Area Elections. (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Panama-Buena Vista Union Elementary School District (144-1-2012) General Waiver Request for Trustee Area Elections. (8 Pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 12: Winters Joint Unified School District (26-1-2012) General Waiver Request for Trustee Area Elections. (9 Pages) (Original waiver request is signed and on file in the Waiver Office.)

Trustee Area Election Waivers

Districts requesting waivers of elections to establish trustee areas--all of Education Code Section 5020; portions of sections 5019, 5021 and 5030

Waiver Number	District	Streamlined Waiver Process	Period of Request	Demographic Information	Local Board Public Hearing and Approval Dates	Bargaining Unit/Representatives Consulted and Dates/Position	Advisory Committees Consulted and Dates	Public Hearing Advertisement
143-1-2012	Bakersfield City School District	Does not meet	**Requested:** June 1, 2012 through May 31, 2014; **Recommended:** June 1, 2012 through May 30, 2014	The Bakersfield City SD has a student population of 27,590 and its territory includes both metropolitan Bakersfield and rural areas of Kern County.	February 21, 2012	California School Employees Association, Karen Galyan, President, 1/20/12: **Support;** Bakersfield Elementary Teachers' Association, Brad Barnes, President, 1/24/12: **Support;** Laborers' International Local 220, Robert Boyd, Representative 1/27/12: **Support**	School Site Councils in the district (40) were consulted between 1/17/12 and 2/17/12; District Advisory Committee: 2/7/12; District English Learners' Advisory Committee: 1/18/12; Regional Advisory Committee: 2/15/12. No objections were raised.	Notice posted in newspaper; Notice posted at each school; Other - Posted at district office and on district website, in English and Spanish.
21-1-2012	Escalon Unified School District	List 2: 805 API	**Requested:** January 1, 2012 through December 31, 2013; **Recommended:** January 1, 2012 through December 30, 2013	The Escalon Unified SD has a student population of 2,830 and is located in rural area in San Joaquin County.	January 17, 2012	California School Employees' Association, Jennifer Silviera, President, 1/13/12: **Neutral;** Escalon Unified Teachers' Association, Ray Roncale, President, 1/13/12: **Neutral**	All school site councils and the District English Learners' Advisory Committee: 1/4/12. No objections were raised.	Notice posted at each school; Other - Posted at district office, city library, and post office.
85-2-2012	Escondido Union High School District	Does not meet	**Requested:** January 17, 2012 through January 15, 2014; **Recommended:** January 17, 2012 through January 15, 2014	The Escondido UHSD has a student population of 7,951 and is located in moderately-sized community in San Diego County.	January 17, 2012	California School Employees' Association, Soozie Nichols, President, 1/13/12: **Neutral;** Escondido Secondary Teachers' Association, Robin Marks, President, 1/17/12: **Neutral**	English Learners' Advisory Councils, School Site Councils, Parent-Teacher Organizations, Athletic Boosters, and AVID at district high schools were consulted between 1/5/12 and 1/27/12. No objections were raised.	Notice posted in newspaper; Notice posted at each school

Trustee Area Election Waivers

Districts requesting waivers of elections to establish trustee areas--all of Education Code Section 5020; portions of sections 5019, 5021 and 5030

Waiver Number	District	Streamlined Waiver Process	Period of Request	Demographic Information	Local Board Public Hearing and Approval Dates	Bargaining Unit/Representatives Consulted and Dates/Position	Advisory Committees Consulted and Dates	Public Hearing Advertisement
32-1-2012	Esparto Unified School District	Does not meet	**Requested:** January 1, 2012 through December 31, 2013; **Recommended:** January 1, 2012 through December 30, 2013	The Esparto Unified SD has a student population of 1,085 and is located in rural Yolo County.	January 10, 2012	California School Employees' Association, Julie Jackson, President, 12/8/11: **Support;** Esparto Teachers' Association, David Yust, President, 12/8/11: **Support**	District English Learners' Advisory Committee and Esparto K-8 School Site Council: 12/8/11; Esparto High School Site Council: 12/14/11. No objections were raised.	Notice posted at each school; Other - Posted on district website
6-1-2012	Greenfield Union Elementary School District	Does not meet	**Requested:** June 1, 2012 through May 31, 2014; **Recommended:** June 1, 2012 through May 30, 2014	The Greenfield USD has a student population of 8,035 and its territory includes both metropolitan Bakersfield and rural areas of Kern County.	January 23, 2012	California School Employees' Association, Lisa Young, President, 1/11/12: **Support;** Greenfield Educators' Association, Paula Vanauken & Danielle Stigthans, Co-Presidents, 1/18/12: **Support**	School Site Councils consulted between 1/11/12 and 1/19/12; District Advisory Committee: 1/20/12; District English Learners' Advisory Committee: 1/19/12. No objections were raised.	Notice posted in newspaper; Notice posted at each school; Other - Posted at district office and on district website, in English and Spanish.
2-3-2012	Gustine Unified School District	Does not meet	**Requested:** January 1, 2012 through December 31, 2013; **Recommended:** January 1, 2012 through December 30, 2013	The Gustine Unified SD has a student population of 1,707 and is located in a rural area in Merced County.	December 14, 2011	California School Employees' Association, Janice Amaral, President, 11/28/11: **Neutral;** Gustine Romero Teachers' Association, Chandra Brace, President, 11/28/11: **Neutral**	Gustine Elementary School Site Council (SSC) on 12/14/11 and English Learners' Advisory Committee (ELAC) on 12/13/11; Romero Elementary SSC on 12/13/11 and ELAC on 11/15/11; Gustine High SSC on 12/7/11; District ELAC on 12/16/11. No objections were raised.	Notice posted in newspaper; Notice posted at each school; Other - Posted at district office and city hall.

Trustee Area Election Waivers

Districts requesting waivers of elections to establish trustee areas--all of Education Code Section 5020; portions of sections 5019, 5021 and 5030

Waiver Number	District	Streamlined Waiver Process	Period of Request	Demographic Information	Local Board Public Hearing and Approval Dates	Bargaining Unit/Representatives Consulted and Dates/Position	Advisory Committees Consulted and Dates	Public Hearing Advertisement
2-1-2012	Kern Union High School District	Does not meet	**Requested:** June 1, 2012 through May 31, 2014; **Recommended:** June 1, 2012 through May 30, 2014	The Kern UHSD has a student population of 37,369 and its territory includes metropolitan Bakersfield, the cities of Lake Isabella, Lamont, Shafter, and Arvin, and rural areas of Kern County.	January 23, 2012	California School Employees' Association (CSEA), Chapter 81, Susan Wooden, President, 1/18/12: **Support;** CSEA, Chapter 747 , Dale Frye, President, 1/19/12: **Support;** Kern High School Teachers' Association, Vickie Shoenhair, President, 1/12/12: **Support;** Supervisors Unit "F," Laborers' International Union (LIU), Carlos Monzon, Chairman, 1/18/12: **Support;** Skilled Trades Unit "D," LIU, Clint Bland, Chairman, 1/17/12: **Support**	District English Learners' Advisory Committee: 1/19/12; all 24 School Site Councils (SSC) were consulted between 1/12/12 and 1/19/12. Only the East Bakersfield High SSC opposed the waiver request. However, the opposition of this SSC was based on the SSC dislike of trustee area boundaries in the adopted trustee area plan and comments did not specifically address the waiver.	Notice posted in newspaper; Notice posted at each school; Other - Posted at district office and on district website, in English and Spanish.
4-1-2012	Lake Elsinore Unified School District	List 1: 833 API	**Requested:** January 1, 2012 through December 31, 2013; **Recommended:** January 1 2012 through December 30, 2013	The Lake Elsinore USD has a student population of about 1,500 and is located in a suburban city in Riverside County.	December 8, 2011	California School Employees' Association, Stephan Radelicki, President, 12/7/11: **Neutral;** Lake Elsinore Teachers' Association, Bill Cavanaugh, President, 12/7/11: **Support**	All School Site Councils and District English Learners' Advisory Committee, 11/30/11 through 12/7/11. No objections were raised.	Notice posted in newspaper; Notice posted at each school; Other - Notice posted at Lake Elsinore Branch Library and Lakeside Library.

Trustee Area Election Waivers

Districts requesting waivers of elections to establish trustee areas--all of Education Code Section 5020; portions of sections 5019, 5021 and 5030

Waiver Number	District	Streamlined Waiver Process	Period of Request	Demographic Information	Local Board Public Hearing and Approval Dates	Bargaining Unit/Representatives Consulted and Dates/Position	Advisory Committees Consulted and Dates	Public Hearing Advertisement
144-1-2012	Panama-Buena Vista Union Elementary School District	List 1: 800 API	**Requested:** June 1, 2012 through May 31, 2014; **Recommended:** June 1, 2012 through May 30, 2014	The Panama-Buena Vista USD has a student population of 17,099 and its territory includes both metropolitan Bakersfield and rural areas of Kern County.	**Public hearing:** January 31, 2012; **Approval:** February 14, 2012	California School Employees' Association, Vicki Billington, President, 2/1/12: **Support;** Panama-Buena Vista Teachers' Association, Darla Bramlette, President, 2/1/12: **Neutral;** Teamsters' Local 87, Patricia Williams, President, 2/1/12: **Support**	District English Learners' Advisory Committee: 1/19/12; all 23 School Site Councils (SSC) were consulted between 1/19/12 and 2/8/12. Only the Sing Lum SSC opposed the waiver request. The reasons expressed for opposition were: (1) the decision should be put to the voters, and (2) multiple trustee areas, rather than the two adopted, would better represent each school.	Notice posted in newspaper; Notice posted at each school; Other - Posted at district office and on district website, in English and Spanish.
26-1-2012	Winters Joint Unified School District	List 2: 825 API; List 3: 3	**Requested:** January 1, 2012 through December 31, 2013; **Recommended:** January 1, 2012 through December 30, 2013	The Winters Joint USD has a student population of 1,600 and is located in a small town in Yolo County.	January 19, 2012.	California School Employees Association, Claudette Adams, President, 12/20/11: **Neutral;** Winters Area Education Association, Matt Moran, President, JoAnn May, Chief Negotiator, 12/19/11: **Neutral;** Winters Area Pupil Personnel Service Unit, Ellen Winder, President, 12/20/11: **Neutral**	All School Site Councils, Parent Teacher Associations, and District English Learners' Advisory Committee, 1/9/12. No objections were raised.	Notice posted in newspaper; Notice posted at each school; Other - Notice posted at library, city hall, and school district office.

California *Education Code* sections to be waived

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.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	6	3	3	2	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
BAKERSFIELD CITY SCHOOL DISTRICT	**ROBERT ARIAS, Ed.D, SUPERINTENDENT**	**ariasr@bcsd.com**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1300 BAKER STREET	**BAKERSFIELD**	**CA**	**93305**	**661/631-4610** Fax Number: **661/631-4623**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **6/1/2012** To: **5/31/2014**	**FEBRUARY 21, 2012**	**FEBRUARY 21, 2012**

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5019(d), 5020, 5021, 5030 Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **BAKERSFIELD ELEMENTARY TEACHERS ASS'N, JANUARY 24, 2012; CALIFORNIA SCHOOL EMPLOYEES ASS'N CHAPTER 48, JANUARY 20, 2012; LABORERS INTERNATIONAL LOCAL 220, JANUARY 27, 2012.**
Name of bargaining unit and representative(s) consulted: **BAKERSFIELD ELEMENTARY TEACHERS ASS'N, BRAD BARNES, PRES., CALIF. SCHOOL EMPLOYEES ASS'N CHAPTER 48, KAREN GALYAN, PRES.; LABORERS INT'L LOCAL 220, ROBERT BOYD, REPRESENTATIVE.**
The position(s) of the bargaining unit(s): __ Neutral _**X**_ **Support** __ Oppose (*Please specify why*) **ALL BARGAINING UNITS IN SUPPORT OF WAIVER.**
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)*
POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE, IN ENGLISH AND IN SPANISH

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
SEE ATTACHMENT A
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A**

Were there any objection(s)? **No X** Yes *(If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

SEE ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

8. **Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Bakersfield City School District's adoption of by-trustee area elections. The Bakersfield City School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. This County Committee approved the change to the District's electoral system as well as a specific trustee area plan. The approval of by-trustee area elections by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. [See Attachment C and Attachment D, Resolution No. III approving the waiver application.]**

9. Demographic Information:
The Bakersfield City School District has a student population of 26,882.66 and its territory includes both metropolitan Bakersfield and rural areas of Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **SUPERINTENDENT**	Date: **February 23, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A

BAKERSFIELD CITY SCHOOL DISTRICT
CONSULTATION WITH SCHOOL SITE COUNCILS/ADVISORY COMMITTEES

CONSULTED BODY	MEETING DATES	POSITION
Casa Loma School Site Council	January 18, 2012	Support
Cesar E. Chavez School Site Council	February 6, 2012	Neutral
Chipman Jr. High School Site Council	January 23, 2012	Support
College Heights School Site Council	January 19, 2012	Support
Compton Jr. High School Site Council	February 6, 2012	Neutral
Curran Middle School Site Council	January 18, 2012	Support
Downtown School Site Council	January 18, 2012	Support
Henry Eissler School Site Council	January 23, 2012	Support
Emerson Middle School Site Council	January 24, 2012	Support
Evergreen School Site Council	February 7, 2012	Support
Franklin School Site Council	January 19, 2012	Support
John C. Fremont School Site Council	January 19, 2012	Support
Ramon Garza School Site Council	January 20, 2012	Support
Ruth Harding School Site Council	January 19, 2012	Support
Caroline Harris School Site Council	February 2, 2012	Support
Stella Hills School Site Council	January 19, 2012	Support
Hort School Site Council	January 24, 2012	Support
Jefferson School Site Council	January 17, 2012	Support
Longfellow School Site Council	January 25, 2012	Support
Horace Mann School Site Council	February 9, 2012	Support
McKinley School Site Council	January 19, 2012	Support
Mt. Vernon School Site Council	January 18, 2012	Support
Munsey School Site Council	January 18, 2012	Support
Colonel Nichols School Site Council	January 18, 2012	Support
Noble School Site Council	January 26, 2012	Support
Bessie E. Intermediate School Site Council	February 7, 2012	Support
Bessie E. Owens Primary School Site Council	January 23, 2012	Support
Leo G. Pauly School Site Council	February 17, 2012	Support
William Penn School Site Council	January 18, 2012	Support
Pioneer Drive School Site Council	January 23, 2012	Support
Roosevelt School Site Council	January 26, 2012	Support
Sequoia Middle School Site Council	January 24, 2012	Support
Sierra Middle School Site Council	January 17, 2012	Support
Stiern Middle School Site Council	January 18, 2012	Support
Thorner School Site Council	January 23, 2012	Support
Voorhies School Site Council	January 19, 2012	Support
Washington Jr. High School Site Council	January 19, 2012	Support
Wayside School Site Council	January 18, 2012	Support
Frank West School Site Council	January 20, 2012	Support
Williams School Site Council	January 19, 2012	Support
District Advisory Committee	February 7, 2012	Support
District English Learners Advisory Committee	January 18, 2012	Support
Regional Advisory Committee	February 15, 2012	Support

ATTACHMENT B

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election ~~occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~**§ 5020. Presentation of proposal to electors**~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of~~

~~election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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 C

7. Desired Outcome/Rationale

The waiver of the election requirements in Education Code sections 5019(d) and 5020 will enable the Bakersfield City School District ("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.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (later reduced by the local superior court, whose ruling is now on appeal).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs' attorneys' fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of the Bakersfield City School District's neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district's governing board must reside within a specific geographic subarea of the district called a "trustee area" and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

The Bakersfield City School District currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.[1]

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[1] This does not represent a concession by the District that such a suit would be meritorious. There is presently no formal allegation of racially-polarized voting in District elections. But no case has yet definitively construed the Act's many ambiguous provisions, and there are outstanding questions about

On July 26, 2011, the Board adopted Resolution No. XXIV, initiating an application to the Kern 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. Educ. Code § 5030(b).

On July 26, 2011, following the release of the 2010 Census, the Bakersfield City School District Board also adopted a trustee area plan for submission to, and approval by, the County Committee, which the Committee approved on September 29, 2011 (copy of approval letter attached as Attachment E).

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 2012 election. That, however, will preclude the District from implementing the new system in time for that election. Accordingly, the Board has consulted with its advisory committees, school site councils and bargaining units, and held duly-noticed public meetings to discuss the waiver on January 24, 2012 and February 21, 2012 and held a duly noticed public hearing on February 21, 2012. At the February 21, 2012 meeting, the Board took formal action to approve the submission of a waiver of the electoral requirement (see Attachment D).

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution adopted by the Bakersfield City School District Board in July, 2011, and the approval of the County Committee.

The trustee area boundary plan was approved by the Bakersfield City School District Board and Kern County Committee following an extensive public process, the District's Board of Trustees has determined that the public interest would be better served if trustees were elected by trustee areas and makes the following points in support of the waiver:

1. Issues concerning the CVRA have been active in the Central Valley and the District wishes to act responsibly. If the election requirement is not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though the District does not concede that the current system would violate the CVRA, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The District's proposal was subjected to independent review by the County Committee, composed of disinterested officials familiar with local circumstances.

3. No member of the public spoke against the trustee area plan or waiver at the duly-noticed public hearings.

4. There has been no opposition to the trustee area plan.

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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.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE					

Local educational agency:		Contact person's e-mail address:
Escalon Unified School District	Ron Costa, Superintendent	rcosta@sjcoe.net

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
1520 Yosemite Avenue Escalon California 95320	209.838.3591 x 416 Fax Number: 209.838.6703

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 01/01/12 To: 12/31/13	January 17, 2012	January 17, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020
Circle One: *EC* or *CCR*
Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 13, 2012

Name of bargaining unit and representative(s) consulted: CSEA, Jennifer Silviera; EUTA President
EUTA, Ray Roncale, President

The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper X Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
All school site councils and DELAC

Date the committee/council reviewed the waiver request: January 4, 2012

Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment B

8. Demographic Information:
   (*District/school/program)*__ has a student population of _____ and is located in a __(*urban, rural, or small city etc.)*__ in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent Ron Costa	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Escalon 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

6. Desired Outcome/ Rationale

The Escalon 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.

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.

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 that 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 in November of 2012 which will reduce the District's liability under the CVRA going forward.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
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Local educational agency: Escondido Union High School District	Contact name and Title: Michael Simonson, Asst. Superintendent Business Services	Contact person's e-mail address: msimonson@euhsd.k12.ca.us
Address: 302 North Midway Drive (City) Escondido (State) CA (ZIP) 92027		Phone (and extension, if necessary): 760-291-3211 Fax Number: 760-739-7329
Period of request: (month/day/year) From: 1/17/2012 To: 1/15/2014	Local board approval date: (Required) January 17, 2012	Date of public hearing: (Required) January 17, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5020; portions of 5019, 5021, and 5030 Circle One: ***EC*** or *CCR*
Topic of the waiver: Waiver of elections requirement(s) for change to by-trustee area elections

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): ESTA (January 17, 2012); CSEA (January 13, 2012)

Name of bargaining unit and representative(s) consulted: Robin Marks, President, Escondido Secondary Teachers Association; Soozie Nichols, President, California School Employees Association, Chapter 219

The position(s) of the bargaining unit(s): X Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate): Bargaining units acknowledge need for transition to reduce any potential risk of costly litigation under the California Voting Rights Act.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X__ Notice in a newspaper __X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
San Pasqual High School (English Learner Advisory Council, School Site Council, Parent Teacher Organization); Orange Glen High School (English Learner Advisory Council, School Site Council, Parent Teacher Organization); Escondido High School (School Site Council, Athletic Boosters, Parent Teacher Organization); Valley High School (AVID).

Date the committee/council reviewed the waiver request: 1/5/12, 1/12/12, 1/19/12, 1/23/12, 1/25/12, 1/26/12, 1/27/12

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment A, attached hereto and incorporated herein.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This waiver is requested to expedite efforts by the Escondido Union High School District ("District") to ensure compliance with the California Voting Rights Act (Elections Code §§14025 *et seq*.) ("CVRA"). By granting this waiver, the District will be able to implement its new "by-trustee area" election system for its November 2012 elections to reduce any potential liability under the CVRA. Due to the fact the CVRA grants a prevailing plaintiff the right to reasonable attorneys' and expert witness fees, the District seeks to reduce the risk of costly litigation under the CVRA. By reducing the risk of such costly litigation in an expeditious and cost-efficient manner, the District will be able to ensure cuts to necessary and valuable District student programs are not needed because of claims being brought under the CVRA.

8. Demographic Information:
Escondido Union High School District has a student population of 7,951 and is located in a moderately-sized community in San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
//s//	Michael Simonson, Asst. Supt., Business Services	2/14/2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code sections to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election occurring at least 120 days after ~~its~~ approval~~, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under Section~~s~~ 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required~~, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

5030. Alternate method of election

Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization ~~and the registered voters of a district~~, pursuant to Section~~s~~ 5019 ~~and 5020, respectively~~, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000,~~ the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
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Local educational agency: Esparto Unified School District	Contact name and Title: Aida Buelna, Superintendent	Contact person's e-mail address: abuelna@espartok12.org
Address: (City) (State) (ZIP) 26675 Plainfield Street, Esparto CA 95627		Phone (and extension, if necessary): 530 787-3446 Fax Number: 530 787-3033
Period of request: (month/day/year) From: 01/01/12 To: 12/31/13	Local board approval date: (Required) January 10, 2012	Date of public hearing: (Required) January 10, 21012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): December 8, 2011

Name of bargaining unit and representative(s) consulted: CSEA, California School Employees Association, Julie Jackson, President; ETA, Esparto Teachers Association, David Yust, President

The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

__ Notice in a newspaper __X_ Notice posted at each school _X__ Other: *(Please specify)* District Webpage

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Esparto School Site Councils & DELAC District English Learner Advisory Committee

Date the committee/council reviewed the waiver request: December 8, 2011 DELAC & Esparto K-8 Schoolsite council & December 14, 2011 Esparto High Schoolsite council

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment B

8. Demographic Information:
   Esparto Unified School District has a student population of 1085 and is located in rural ___Yolo County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Aida Buelna, Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A

Education Code or California Code of Regulations section to be waiver
The Esparto 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

5019. (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. (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. (a) If a proposal for the establishment of trustee areas formulated under Sections 5019 ~~and 5020~~ is approved ~~by a majority of the voters voting at the election~~, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. In the event two or more trustee areas are established ~~at such election~~ which are not represented in the membership of the governing board of the school district, or community college district the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by ~~a majority of the voters voting on the measure, or by~~ the county committee on school district organization ~~when no election is required,~~ and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his or her term of office and succeeding board members shall be nominated and elected in accordance with Section 5030.

(c) If a proposal for abolishing trustee areas is approved ~~by a majority of the voters voting at the election~~, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

5030. Except as provided in Sections 5027 and 5028, in any school district or community college district having trustee areas, the county committee on school district organization and the registered voters of a district, pursuant to Sections 5019 ~~and 5020~~, respectively, may at any time recommend one of the following alternate methods of electing governing board members:

(a) That each member of the governing board be elected by the registered voters of the entire district.

(b) That one or more members residing in each trustee area be elected by the registered voters of that particular trustee area.

(c) That each governing board member be elected by the registered voters of the entire school district or community college district, but reside in the trustee area which he or she represents.

The recommendation shall provide that any affected incumbent member shall serve out his or her term of office and that succeeding board members shall be nominated and elected in accordance with the method recommended by the county committee.

Whenever trustee areas are established in a district, provision shall be made for one of the alternative methods of electing governing board members.

~~In counties with a population of less than 25,000~~, the county committee on school district organization or the county board of education, if it has succeeded to the duties of the county committee, may at any time, by resolution, with respect to trustee areas established for any school district, other than a community college district, amend the provision required by this section without additional approval by the electors, to require one of the alternate methods for electing board members to be utilized.

ATTACHMENT B

Desired Outcome/Rationale

The Esparto 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.

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 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 statue 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 cost 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.

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 that 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 for the next governing board member election in November of 2012 which will reduce the District's liability under the CVRA going forward.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: _X_
Renewal Waiver: ___

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	6	3	5	0	3

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
GREENFIELD UNION SCHOOL DISTRICT	**CHRIS CRAWFORD, SUPERINTENDENT**	**crawfordC@ gfusd.k12.ca.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1624 FAIRVIEW DRIVE	**BAKERSFIELD**	**CA**	**93307**	**661/837-6000** Fax Number: **661/832-2873**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 6/1/2012 To: 5/31/2014	**January 23, 2012**	**January 23, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5019(d), 5020, 5021, 5030 Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **GREENFIELD EDUCATORS ASSOCIATION, JANUARY 18, 2012**
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION CHAPTER 496, JANUARY 11, 2012
Name of bargaining unit and representative(s) consulted:
GREENFIELD EDUCATORS ASS'N, PAULA VANAUKEN & DANIELLE STIGTHANS, CO-PRESIDENTS;
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION CHAPTER 496, LISA YOUNG, PRESIDENT
The position(s) of the bargaining unit(s): __ Neutral **_X_ Support** __ Oppose (*Please specify why*)
BOTH BARGAINING UNITS IN SUPPORT OF WAIVER
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)*

POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE, IN ENGLISH AND IN SPANISH.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
SEE ATTACHMENT A
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A**

Were there any objection(s)? **No _X_** Yes ___ (*If there were objections please specify)*

Attachment 7
Page 2 of 8

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   SEE ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.
   Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Greenfield Union School District's adoption of by-trustee area elections. The Greenfield Union School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. This County Committee approved the change to the District's electoral system as well as a specific trustee area plan. The approval of by-trustee area elections by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. [See Attachment C and Attachment D, Resolution No. 12-14 approving the waiver application

8. Demographic Information:

   Greenfield Union School District has a student population of 8,035 and its territory includes both metropolitan Bakersfield and rural areas of Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
/s/ CHRIS CRAWFORD	**SUPERINTENDENT**	**FEBRUARY 23, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

Consultation with School Site Councils/Advisory Committees

Consulted Body	Date	Position
Fairview Elementary School Site Counsel	January 19, 2012	Support
Granite Point Elementary School Site Counsel	January 11, 2012	Support
Horizon Elementary School Site Council	January 18, 2012	Support
Kendrick Elementary School Site Council	January 18, 2012	Support
Palla Elementary School Site Council	January 18, 2012	Support
Plantation School Site Council	January 18, 2012	Support
Planz Elementary School Site Council	January 18, 2012	Support
Valle Verde Elementary School Site Council	January 12, 2012	Support
Greenfield Middle School Site Council	January 18, 2012	Support
McKee Middle School Site Council	January 18, 2012	Support
Ollivier Middle School Site Council	January 18, 2012	Support
District Advisory Committee	January 20, 2012	Support
District English Learners Advisory Committee	January 19, 2012	Support

Attachment B

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election ~~occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~**§ 5020. Presentation of proposal to electors**~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of~~

~~election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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 C

7. Desired Outcome/Rationale

The waiver of the election requirements in 5019(d) and 5020 will enable the Greenfield Union School District ("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.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (later reduced by the local superior court, whose ruling is now on appeal).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs' attorneys' fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of the Greenfield Union School District's neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district's governing board must reside within a specific geographic subarea of the district called a "trustee area" and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

The Greenfield Union School District currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.[1]

On July 27, 2011, the Board adopted Resolution No. 12-1, initiating an application to the Kern 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] This does not represent a concession by the District that such a 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 July 27, 2011, following the release of the 2010 Census, the Greenfield Union School District Board also adopted a trustee area plan for submission to, and approval by, the County Committee, which the Committee approved on September 29, 2011.

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 2012 election. That, however, will preclude the District from implementing the new system in time for that election. Accordingly, the Board held consultations with its advisory committees, school site councils and bargaining units, and held a duly-noticed public hearing to be held on January 23, 2012, at which time it took formal action regarding approval of the 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 Resolution adopted by the Greenfield Union School District Board in July, 2011, and the approval of the County Committee.

The trustee area boundary plan was approved by the Greenfield Union School District Board and Kern County Committee following an extensive public process.
The Greenfield Union School District Board has determined that the public interest would be better served if trustees were elected by-trustee areas and makes the following points in support of the waiver:

1. 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, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The District's proposal was subjected to independent review by the County Committee, composed of disinterested officials familiar with local circumstances.

3. No member of the public spoke against the trustee area plan or the waiver at the duly-noticed public hearings.

4. There has been minimal opposition to the plan.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: X
Renewal Waiver: ___

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
2	4	7	3	6	2	9

Local educational agency:		Contact person's e-mail address:
Gustine Unified School District	Gail McWilliams, Superintendent	gmcwilliams@gustine.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1500 Meredith Avenue	Gustine,	CA	95322-1127	(T) (209) 854-3784 (F) (209) 854-9164

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 01/01/12 To: 12/31/13	December 14, 2011	December 14,, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020
Circle One: (*EC*) or *CCR*
Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 28, 2011

Name of bargaining unit and representative(s) consulted: CSEA, Chapter #539; GRTA, Gustine Romero Teacher's Assn. (California School Employees Association, Janice Amaral, President; Gustine Romero Teacher's Association, Chandra Brace, President)
The position(s) of the bargaining unit(s): X Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper X Notice posted at each school __X_ Other: *(Please specify)* City Hall, School District Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
All school site councils and DELAC

Date the committee/council reviewed the waiver request: DELAC, 12/16/11; GES ELAC, 12/13/11; RES ELAC, 11/15/11; GES SITE COUNCIL, 12/14/11; RES SITE COUNCIL, 12/13/11; GHS SITE COUNCIL, 12/7/11
(DELAC—District English Learner Advisory Committee; ELAC—English Learner Advisory Committee; RES—Romero Elementary School; GES—Gustine Elementary School; GHS—Gustine High School)
Were there any objection(s)? No x Yes ___ (*If there were objections* p*lease specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment B

8. Demographic Information:
(*District/school/program) GUSD* has a student population of 1707 and is located in a rural area in Merced County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent Gail McWilliams	Date: 12/16/11

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Gustine 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.~~

~~© 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

6. Desired Outcome/ Rationale

The Gustine 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.

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.

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 that 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 in November of 2012 which will reduce the District's liability under the CVRA going forward.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	6	3	5	2	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
KERN HIGH SCHOOL DISTRICT	**DONALD E. CARTER, Ed.D. SUPERINTENDENT**	**dcarter@khsd.k12.ca.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
5801 Sundale Avenue	**Bakersfield**	**CA**	**93309**	**661/827-3154** Fax Number: **661/827-3301**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **6/1/2012** To: **5/31/2014**	**January 23, 2012**	**January 23, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5019(d), 5020, 5021, 5030 Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:
Bargaining unit(s) consulted on date(s): **SEE ATTACHMENT A-1**

Name of bargaining unit and representative(s) consulted: **SEE ATTACHMENT A-1**

The position(s) of the bargaining unit(s): __ **Neutral** _X_ **Support** __ Oppose (*Please specify why*)
Comments (if appropriate): **ALL FIVE BARGAINING UNITS IN SUPPORT OF WAIVER—SEE ATTACHMENT A-1**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)*

POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE, IN ENGLISH AND IN SPANISH.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
SEE ATTACHMENT A-2
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A-2**

Were there any objection(s)? No __ Yes _X__ (*If there were objections please specify)* **SEE ATTACHMENT A-2. OPPOSITION FROM ONLY 1 OF 24 SCHOOL SITE COUNCILS.**

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   SEE ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Kern High School District's adoption of by-trustee area elections. The Kern High School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. This County Committee approved the change to the District's electoral system as well as a specific trustee area plan. The approval of by-trustee area elections by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. [See Attachment C and Attachment D, resolution approving the waiver application.]

8. Demographic Information:

   The Kern High School District has a student population of 37,369 and its territory includes both metropolitan Bakersfield, the cities of Lake Isabella, Lamont, Shafter and Arvin, and rural areas of Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **SUPERINTENDENT**	Date: **February 23, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A-1

Consultation with Bargaining Units

Consulted Bargaining Unit	Date	Position
Kern High School Teachers Association (KHSTA) Vickie Shoenhair, President	January 12, 2012	Support
California School Employees Association, Chapter 81 Susan Wooden, President	January 18, 2012	Support
California School Employees Association, Chapter 747 Dale Frye, President	January 19, 2012	Support
Supervisors Unit "F", Laborers' International Union, Local 220 Carlos Monzon, Chairman	January 18, 2012	Support
Skilled Trades Unit "D", Laborers' International Union, Local 220 Clint Bland, Chairman	January 17, 2012	Support

ATTACHMENT A-2

Consultation with School Site Councils/Advisory Committees

CONSULTED BODY	SCHEDULED DATE	POSITION
Arvin High School Site Council	January 17, 2012	Support
Bakersfield High School Site Council	January 19, 2012	Support
Centennial High School Site Council	January 19, 2012	Support
East Bakersfield High School Site Council	January 18, 2012	Oppose*
Foothill High School Site Council	January 18, 2012	Support
Frontier High School Site Council	January 19, 2012	Support
Golden Valley High School Site Council	January 19, 2012	Support
Highland High School Site Council	January 19, 2012	Support
Independence High School Site Council	January 18, 2012	Support
Kern Valley High School Site Council	January 19, 2012	Support
Liberty High School Site Council	January 19, 2012	Support
Mira Monte High School Site Council	January 18, 2012	Support
North High School Site Council	January 18, 2012	Support
Ridgeview High School Site Council	January 17, 2012	Support
Shafter High School Site Council	January 18, 2012	Support
South High School Site Council	January 12, 2012	Support
Stockdale High School Site Council	January 18, 2012	Support
West High School Site Council	January 17, 2012	Support
Central Valley Continuation High School Site Council	January 18, 2012	Support
Nueva Continuation High School Site Council	January 18, 2012	Support
Summit Continuation High School Site Council	January 18, 2012	Support
Tierra Del Sol Continuation High School Site Council	January 18, 2012	Support
Vista Continuation High School Site Council	January 18, 2012	Support
Vista West Continuation High School Site Council	January 17, 2012	Support
District English Learner Advisory Committee (DELAC)	January 19, 2012	Support

*The opposition of East Bakersfield High School site council was based on the Council's dislike of trustee area boundaries in the adopted trustee area plan, their comments did not specifically address the waiver.

ATTACHMENT B

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election ~~occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~**§ 5020. Presentation of proposal to electors**~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____~~

~~(insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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 C

7. Desired Outcome/Rationale

The waiver of the election requirements in Education Code sections 5019(d) and 5020 will enable the Kern High School District ("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.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (later reduced by the local superior court, whose ruling is now on appeal).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs' attorneys' fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of the Kern High School District's neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district's governing board must reside within a specific geographic subarea of the district called a "trustee area" and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

The Kern High School District currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.[1]

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[1] This does not represent a concession by the District that such a 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

On June 6, 2011, the Board adopted Resolution No. 023-2010/11, initiating an application to the Kern 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).

On June 6, 2011, following the release of the 2010 Census, the Kern High School District Board also adopted a trustee area plan for submission to, and approval by, the County Committee, which the Committee approved on October 5, 2011 (copy of approval letter attached as Attachment E).

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 2012 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, school site councils and bargaining units, and held a duly-noticed public hearing on January 23, 2012, at which time it took formal action regarding approval of the submission of a waiver of the electoral requirement (see Attachment D).

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution adopted by the Kern High School District Board in June 2011, and the approval of the County Committee.

The trustee area boundary plan was approved by the Kern High School District Board and Kern County Committee following an extensive public process. The Kern High School District Board has determined that the public interest would be better served if trustees were elected by trustee areas and makes the following points in support of the waiver:

1. Issues involving the CVRA have been active in the Central Valley and the District wishes to act responsibly. If the election requirement is not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though the District does not concede that the current system would violate the CVRA, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The District's proposal was subjected to independent review by the County Committee, composed of disinterested officials familiar with local circumstances.

3. No member of the public spoke against the waiver at the duly noticed public hearing.

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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.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE

Local educational agency: Lake Elsinore Unified School District	Contact name and Title: Frank W. Passarella, District Superintendent	Contact person's e-mail address: Frank.passarella@leusd.k12.ca.us
Address: 545 Chaney St.. (City) Lake Elsinore (State) CA (ZIP) 92530		Phone (and extension, if necessary): 951.253.7005 Fax Number: 951.253.7084
Period of request: (month/day/year) From: 01/01/12 To: 12/31/13	Local board approval date: (Required) December 8, 2011	Date of public hearing: (Required) December 8, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Portions of 5019,5021,5030 and all of 5020
   Circle One: *EC* or *CCR*
   Topic of the waiver: Requirement that establishment of trustee area/adoption of by trustee election process be put to a vote by the electors of the District

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 7, 2011

   Name of bargaining unit and representative(s) consulted: CSEA – Stephan Radelicki, President, LETA - Bill Cavanaugh President

   The position(s) of the bargaining unit(s): X Neutral X Support __ Oppose (*Please specify why*)

   Comments (if appropriate): CSEA – neutral, LETA - Support

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   X Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* Lake Elsinore Branch Library, 600 W. Graham, Lakeside Library, 32593 Riverside Dr.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Met with 23 school site councils and DELAC between 11/30/2011 through December 7, 2011

   Were there any objection(s)? No ___ Yes X (*If there were objections please specify)* One person on a school site council stated that Board members would be biased by voting to ensure their precinct stays intact.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment B

8. Demographic Information:
   (*District/school/program)*__ has a student population of 21,500 and is located in a suburban *urban, rural, or small city etc.)*__ in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
Frank W. Passarella	Superintendent Of Schools	12/8/2011
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Lake Elsinore 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

6. Desired Outcome/ Rationale

The Lake Elsinore 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.

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.

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 that 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 in November of 2012 which will reduce the District's liability under the CVRA going forward.

)CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	5	6	3	3	6	2

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
PANAMA-BUENA VISTA UNION SCHOOL DISTRICT	**KIP HEARRON SUPERINTENDENT**	**kiph@pbvusd.net**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
4200 ASHE ROAD	**BAKERSFIELD**	**CA**	**93313**	**661/831-8331 x6104** Fax Number: **661/833-0250**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **6/1/2012** To: **5/31/2014**	**February 14, 2012**	**January 31, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 5019(d), 5020, 5021, 5030 Circle One: ***EC*** or *CCR*

Topic of the waiver: **WAIVER OF ELECTORAL REQUIREMENTS OF EDUCATION CODE §§ 5019, 5020 AND 5030 TO ESTABLISH TRUSTEE AREAS AND ADOPT A BY-TRUSTEE AREA ELECTORAL PROCESS**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X Yes** If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **FEBRUARY 2, 2012 (PANAMA-BUENA VISTA TEACHERS ASSOCIATION)**
FEBRUARY 1, 2012 (CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION CHAPTER 649)
FEBRUARY 1, 2012 (TEAMSTER'S LOCAL NO. 87)
Name of bargaining unit and representative(s) consulted: **PANAMA-BUENA VISTA TEACHERS ASSOCIATION, DARLA BRAMLETTE, PRESIDENT; CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION Chapter 649, VICKI BILLINGTON, PRESIDENT; TEAMSTERS LOCAL NO. 87, PATRICIA WILLIAMS, PRESIDENT**
The position(s) of the bargaining unit(s): _**X**_ **Neutral** _**X**_ **Support** __ Oppose (*Please specify why*) **2 BARGAINING UNITS IN SUPPORT; 1 NEUTRAL**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)* **POSTED AT DISTRICT OFFICE AND ON DISTRICT WEBSITE, IN ENGLISH AND IN SPANISH.**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
SEE ATTACHMENT A
Date the committee/council reviewed the waiver request: **SEE ATTACHMENT A**

Were there any objection(s)? No __ Yes _X_ (*If there were objections please specify)* **SEE ATTACHMENT A — OBJECTION FROM ONLY 1 OF 23 SCHOOL SITE COUNCILS**

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

SEE ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

8.

Pursuant to EC § 5019(a), the Kern County Committee on School District Organization ("County Committee") has the authority to approve or disapprove the Panama-Buena Vista Union School District's adoption of by-trustee area elections. The Panama-Buena Vista Union School District adopted a resolution applying to the County Committee to authorize a change of election for the November 2012 election. This County Committee approved the change to the District's electoral system as well as a specific trustee area plan. The approval of by-trustee area elections by the County Committee would normally constitute an order of election (EC § 5020); however, a waiver of the election requirement by the State Board of Education would allow for the adoption and subsequent implementation of by-trustee area elections without a local election. [See Attachment C].

9. Demographic Information:

Panama-Buena Vista Union School District has a student population of 17,099 and its territory includes both metropolitan Bakersfield and rural areas of Kern County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **SUPERINTENDENT**	Date: **February 24, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A

Consultation with School Site Councils/Advisory Committees

Consulted Body	Date of Consultation	Position
Actis Jr. High School Site Council	January 19, 2012	Support
Berkshire Elementary School Site Council	January 26, 2012	Support
Buena Vista School Site Council	February 2, 2012	Support
Castle School Site Council	February 7, 2012	Support
Leo B. Hart School Site Council	January 24, 2012	Support
Laurelglen School Site Council	February 2, 2012	Support
Loudon School Site Council	January 24, 2012	Support
Sing Lum School Site Council	February 2, 2012	Oppose**
Christa McAuliffe School Site Council	January 26, 2012	Support
Douglas J. Miller School Site Council	January 19, 2012	Support
Old River Elementary School Site Council	February 1, 2012	Neutral
Panama School Site Council	February 2, 2012	Support
Ronald Reagan School Site Council	February 2, 2012	Support
Louise Sandrini School Site Council	February 7, 2012	Support
Seibert School Site Council	February 1, 2012	Neutral
Stine School Site Council	February 1, 2012	Support
Stockdale School Site Council	February 2, 2012	Support
Stonecreek Jr. High School Site Council	January 23, 2012	Support
Tevis Jr. High School Site Council	February 7, 2012	Support
Thompson Jr. High School Site Council	January 19, 2012	Support
Van Horn School Site Council	January 31, 2012	Support
Earl Warren Jr. High School Site Council	February 8, 2012	Support
Bill L. Williams School Site Council	January 24, 2012	Neutral
District English Learners Advisory Committee	January 19, 2012	Neutral

**The reasons expressed by the Sing Lum School Site Council for its opposition to the waiver were: (1) the belief that the decision should be put to the voters; and (2) the belief that multiple trustee areas would better represent each school, rather than the two trustee areas adopted under the approved plan.

ATTACHMENT B

6. Education Code or California Code of Regulations section to be waived

Request to waive the following sections and portions of the Education Code lined out below:

§ 5019. Trustee areas and size of school district governing boards; powers of county committee; proposal and hearing

(a) Except in a school district governed by a board of education provided for in the charter of a city or city and county, in any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven or decrease to five the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) ~~the rearrangement of the~~ boundaries of trustee areas for a particular district, then the ~~rearrangement of the~~ trustee areas shall be effectuated for the next district election ~~occurring at least 120 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 120 days after its approval by the voters~~.

~~§ 5020. Presentation of proposal to electors~~

~~(a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of~~

~~election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.~~

~~(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.~~

~~(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.~~

~~(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:~~

~~"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District --Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District--No."~~

~~"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven--No."~~

~~"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five--No."~~

~~"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area--No."~~

~~"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District--No."~~

~~"For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--Yes" and "For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District--No."~~

~~If more than one proposal appears on the ballot, all must carry in order for any to become effective, except that a proposal to adopt one of the methods of election of board members specified in Section 5030 which is approved by the voters shall become effective unless a proposal which is inconsistent with that proposal has been approved by a greater number of voters. An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.~~

§ 5021. Incumbents to serve out terms despite approval of change

(a) If a proposal for the establishment of trustee areas formulated under 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 C

7. Desired Outcome/Rationale

The waiver of the election requirements in 5019(d) and 5020 will enable the Panama-Buena Vista Union School District ("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.

The Central Valley has recently become an epicenter of potential litigation under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"). The CVRA enables voters to challenge "at-large" electoral systems in which elections are characterized by "racially-polarized voting." As importantly, it authorizes mandatory attorneys' fee and expert fee awards to successful plaintiffs.

Recent litigation under the Act has resulted in fee awards as high as 7 figures: The City of Modesto defended against a suit under the CVRA and ended up paying $3 million to plaintiffs' attorneys, in addition to $1.7 million to its own attorneys. While that case involved an appeal and (unsuccessful) petitions for review and certiorari to the California and U.S. Supreme Courts, the $4.7 million did not include any costs for an actual trial, as the case never reached that state, settling before that time. And then in 2008, Madera Unified was sued under the CVRA, and after six weeks of uncontested litigation was served with a fee demand of $1.2 million (later reduced by the local superior court, whose ruling is now on appeal).

In recent years, two nearby jurisdictions have been sued under the CVRA—the Tulare Local Healthcare District settled a suit for $500,000 in 2010, and agreed to put the question of changing its electoral system to the voters; the City of Tulare likewise settled a suit, agreeing to put a similar question to its voters, and to pay plaintiffs' attorneys' fees (rumored to be in the range of $250,000). Faced with this spate of litigation, several of the Panama-Buena Vista Union School District's neighboring districts have adopted by-trustee elections under Education Code § 5030(b). In a by-trustee area system of election, candidates for a district's governing board must reside within a specific geographic subarea of the district called a "trustee area" and candidates are elected only by the voters of that trustee area. They have done so under threat of litigation under the CVRA. We also understand that the same organization that brought the Modesto and Madera suits has made further inquiries regarding other Central Valley districts.

The Panama-Buena Vista Union School District currently elects its five-member board in "at-large" elections (*i.e.,* elections in which each candidate for the Board is elected by all voters in the District) pursuant to Education Code § 5030(a), and is therefore potentially vulnerable to suit under the CVRA.[1]

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[1] This does not represent a concession by the District that such a suit would be meritorious. There is presently no formal allegation of racially-polarized voting in District elections. But no case has yet definitively construed the Act's many ambiguous provisions, and there are outstanding questions about

On August 9, 2011, the Board adopted Resolution No. 12-06, initiating an application to the Kern 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).

On August 9, 2011, following the release of the 2010 Census, the Panama-Buena Vista Union School District Board also adopted a trustee area plan for submission to, and approval by, the County Committee, which the Committee approved on December 14, 2011 (copy of approval letter attached as Attachment E).

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 2012 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, school site councils and bargaining units, and scheduled a duly-noticed public hearing held on January 31, 2012, followed by a duly-noticed public Board meeting on February 14, 2012, at which time it approved submission of a waiver of the electoral requirement (Attachment D).

If the waiver is approved, a local election would not be held: the system for electing trustees would change pursuant to the Resolution adopted by the Panama-Buena Vista Union School District Board in August 2011, and approved by the County Committee on October 5, 2011.

The trustee area boundary plan was approved by the Panama-Buena Vista Union School District Board and Kern County Committee following an extensive public process. The Panama-Buena Vista Union School District Board has determined that the public interest would be better served if trustees were elected by trustee areas and makes the following points in support of the waiver:

1. Issues involving the CVRA are active in the Central Valley and the District seeks to act responsibly. If the election requirement is not waived and if a measure to institute by-trustee area elections is defeated, the District would continue to be vulnerable to a legal challenge regarding the establishing of by-trustee area elections. Though the District does not concede that the current system would violate the CVRA, and has not itself been directly threatened with litigation, it has no desire to risk costly litigation under the Act.

2. The District's proposal was subjected to independent review by the County Committee, composed of disinterested officials familiar with local circumstances.

3. No member of the public spoke against the waiver at the duly-noticed public meetings and hearings.

4. There has been no public opposition to the trustee area plan.

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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.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	7	7	2	7	0	2

Local educational agency: Winters Joint Unified School District	Marilyn Corey, Interim Superintendent	Contact person's e-mail address: mcorey@wintersjusd.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
909 W. GRANT AVENUE	WINTERS	CA	95694	530-795-6100 Fax Number: 530-795-6114

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 01/01/12 To: 12/31/13	January 19, 2012	January 19, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Portions of 5019, 5021, 5030 and all of 5020
Circle One: *EC* or *CCR*
Topic of the waiver: Requirement that establishment of trustee areas/adoption of by-trustee election process and reduction of the number of District governing board members be put to a vote by the electors of the District.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): WAEA-12/19/11, WAPPSU & CSEA-12/20/11

Name of bargaining unit and representative(s) consulted: CSEA, Claudette Adams; WAEA, Matt Moran & JoAnn May WAPPSU, Ellen Winder
The position(s) of the bargaining unit(s): X Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper X Notice posted at each school _X_ Other: Posted at three public locations within District boundaries (Library, City Hall and School District Office)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
All school site councils, PTA and DELAC
Date the committee/council reviewed the waiver request: January 9, 2012

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment B

8. Demographic Information:
   Winters Joint Unified School District has a student population of 1600 and is located in a small town in Yolo County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee: *Marilyn Corey*	Title: Marilyn Corey, Interim Superintendent	Date: 1/20/12

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment A

6. Education Code or California Code of Regulations section to be waived

The Winters Joint 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

6. Desired Outcome/ Rationale

The Winters Joint 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 a by-trustee area election plan consisting of five trustee areas (instead of seven) as expeditiously and cost-effectively as possible, thereby enabling the District to avoid litigation resulting out of its current at-large election process for electing its governing board members and to avoid the cost, expense and difficulty of maintaining a seven member board.

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.

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 that process would prevent the District from electing successor trustees in a timely manner and leaves the District vulnerable to a lawsuit and injunction.

Moreover, even in the District's current at-large election method, it has posed a challenge and sometimes a hardship for the District to find individuals to run for governing board. Many times, the District has to appoint individuals to fill vacancies. This problem would be exacerbated by moving to a by-trustee area election process as candidates would have to reside in specific geographic areas within the District's boundaries. Also, operating a five member board is less costly than operating a seven member board (and it is easier to seat a quorum of a five member board than a seven member board -- which has also been an issue with this District in the past).

The requested waiver will allow the District to complete its transition to a by-trustee area election process with five areas in time to for the next governing board member election in November of 2012 which will reduce the District's liability under the CVRA going forward and the reduction in governing board members will allow the District to be governed more efficiently and effectively.

ITEM #W-20

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by seven 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 Number: Butteville Union Elementary 98-2-2012 Garfield Elementary 62-1-2012 Marysville Joint Unified 30-1-2012 Mt. Shasta Union Elementary 16-1-2012 Mt. Shasta Union Elementary 17-1-2012 San Diego County Office of Education 70-2-2012 Shasta County Office of Education 5-1-2012 Temple City Unified 18-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education recommends approval with the following conditions: See Attachment 1.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Specific authority is provided in California *Education Code* (*EC*) Section 52863 to allow the State Board of Education (SBE) to waive the Schoolsite Council (SSC) requirements of the School-Based Coordination Program (SBCP) Act that would hinder the success of school-based programs. These waivers must be renewed every two years.

SUMMARY OF KEY ISSUES

Butteville Union Elementary School District is requesting an SSC composition change for Butteville Elementary School (8 teachers serving 175 students in kindergarten and grades one through eight). The school is located in a rural area.

Garfield Elementary School District is requesting an SSC composition change for Garfield Elementary School (3 teachers serving 62 students in kindergarten and grades one through six). The school is located in a rural area.

SUMMARY OF KEY ISSUES (Cont.)

Marysville Joint Unified School District is requesting a shared SSC for Lincoln (Abraham) (Alternative) School (0 full-time teachers serving 165 students in kindergarten and grades one through twelve), North Marysville Continuation High School (4 teachers serving 116 students in grades nine through twelve), and South Lindhurst Continuation High School (4 teachers serving 112 students in grades nine through twelve). All three schools are located in a rural area.

Mt. Shasta Union Elementary School District is requesting an SSC composition change for Mt. Shasta Elementary School (11 teachers serving 230 students in kindergarten and grades one through three). The school is located in a rural area.

Mt. Shasta Union Elementary School District is requesting an SSC composition change for Sisson School (18 teachers serving 400 students in grades four through eight). The school is located in a rural area.

San Diego County Office of Education is requesting a shared SSC for Monarch Elementary School (4 teachers serving 66 students in kindergarten and grades one through six) and Hope Region Community (Monarch High School) (4 teachers serving 75 students in kindergarten and grades one through twelve). Both schools are located in an urban area.

Shasta County Office of Education is requesting a shared SSC for Magnolia Independent Learning Center (2 teachers serving 49 students in grades seven through twelve), Oasis Community School (8 teachers serving 106 students in grades seven through twelve), Shasta County Juvenile Court (3 teachers serving 42 students in grades seven through twelve), and Shasta Independent Learning Center (1 teacher serving 19 students in grades seven through twelve). All four schools are located in a rural area.

Temple City Unified School District is requesting an SSC composition change for Dr. Doug Sears Learning Center (3 teachers serving 51 students in grades nine through twelve). The school is located in a rural area.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: Local Educational Agencies Requesting a Schoolsite Council Waiver (5 pages)

Attachment 2: Butteville Elementary School District Specific Waiver Request 98-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 3: Garfield Elementary School District Specific Waiver Request 62-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Marysville Joint Unified School District Specific Waiver Request 30-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Mt. Shasta Union Elementary School District Specific Waiver Request 16-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Mt. Shasta Union Elementary School District Specific Waiver Request 17-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: San Diego County Office of Education Specific Waiver Request 70-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Shasta County Office of Education Specific Waiver Request 5-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Temple City Unified School District Specific Waiver Request 18-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No	Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
98-2-2012	Butteville Union Elementary School District for Butteville Elementary School (47 70201 6050678)	Composition change	Approval with conditions that the composition of the SSC consists of: one principal, two teachers (selected by their peers), one other school representative, and four parents (selected by their peers.)	**No**	**Period of Request:** July 1, 2011 to June 30, 2013 **Period Recommended:** July 1, 2011 to July 1, 2013	Butteville Teachers Association, Lauren Miller, President, and Butteville Classified Employees, Betty Shaffer, President, on January 19, 2012. **Support**	Butteville School Site Council on February 15, 2012. **Approve**	February 7, 2012
62-1-2012	Garfield Elementary School District for Garfield Elementary School (12 62836 6007892)	Composition change	Approval with conditions that the composition of the SSC consists of: one principal, two teachers (selected by their peers), one other school representative, and four parents (selected by their peers.)	**Yes**	**Period of Request:** January 17, 2012 to January 17, 2014 **Period Recommended:** January 17, 2012 to January 17, 2014	Garfield Elementary School District does not have a bargaining unit.	Garfield Schoolsite Council on November 10, 2011. **Approve**	December 8, 2011

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No	Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
30-1-2012	Marysville Joint Unified School District for Lincoln (Abraham) (Alternative) School (58 72736 5830054), North Marysville Continuation High School (58 72736 5830088), and South Lindhurst Continuation High School (58 72736 5830096)	Shared SSC	Approval with conditions that the shared SSC composition consists of the following: one principal (administers all sites), four teachers (selected by their peers), one other school representative, three parents (selected by their peers), and three students (selected by their peers.)	**No**	**Period of Request:** 2012–13 to 2013–2014 **Period Recommended:** January 1, 2012 to January 1, 2014	Marysville Unified Teachers Association, Steve White, President, California Schools Employee Association #326, Thomas Page, Labor Relations Representative, and California Schools Employee Association #648, Thomas Page, Labor Relations Representative, on September 1, 2011 and Operating Engineers Local Unit # 3, Mike Minton, Business/Labor Representative, on December 12, 2011. **Support**	Abraham Lincoln Home School, Steve Westcamp, President, North Marysville Continuation High School, Steve Westcamp, President, and South Lindhurst High School, Kevin Sweetwood, President on September 28, 2011. **Approve/ Neutral**	January 24, 2012
16-1-2012	Mt. Shasta Union Elementary School District for Sisson School (47 70425 6050892)	Composition change	Approval with conditions that the composition of the SSC consists of: one principal, one other school representative, two teachers (selected by their peers), and four parents (selected by their peers.)	**No**	**Period of Request:** January 1, 2012 to January 1, 2014 **Period Recommended:** January 1, 2012 to January 1, 2014	Mt. Shasta Elementary Teachers Association and California School Employees Association on December 19 and 21, 2011. **Support**	Mt. Shasta Elementary School Site Council on December 8, 2011. **Approve**	January 9, 2012

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No	Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
17-1-2012	Mt. Shasta Union Elementary School District for Mt. Shasta Elementary School (47 70425 6050884)	Composition change	Approval with conditions that the composition of the SSC consists of: one principal, one other school representative, two teachers (selected by their peers), and four parents (selected by their peers.)	**No**	**Period of Request:** January 1, 2012 to January 1, 2014 **Period Recommended:** January 1, 2012 to January 1, 2014	Mt. Shasta Elementary Teachers Association and California School Employees Association on December 19 and 21, 2011. **Support**	Mt. Shasta Elementary School Site Council on December 1, 2011. **Approve**	January 9, 2012
70-2-2012	San Diego County Office of Education for Monarch Elementary Community School (37 10371 0120493) and Hope Region Community (Monarch High School) (37 10371 0115931)	Shared SSC	Approval with conditions that the shared SSC composition consists of the following: one principal, four teachers (selected by their peers), one other school representative, four parents (selected by their peers), and two students (selected by their peers.)	**No**	**Period of Request:** July 1, 2011 to June 30, 2013 **Period Recommended:** July 1, 2011 to July 1, 2013	Association of Educators, Peter McNamara, President, and California School Employees Association, Mike Reese, President, on September 28, 2011. **Support**	Juvenile Court and Community Schools Teacher Advisory Committee on September 27, 2011. **Approve**	February 8, 2012

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No	Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
5-1-2012	Shasta County Office of Education for Magnolia Independent Learning Center (45 10454 0118992), Oasis Community School (45 10454 4530317), Shasta County Juvenile Court (45 10454 4530150), and Shasta Independent Learning Center (45 10454 0119008)	Shared SSC	Approval with conditions that the shared SSC composition consists of the following: one principal, four teachers (selected by their peers), one other school representative, four parents (selected by their peers), and two students (selected by their peers.)	**No**	**Period of Request:** August 15, 2011 to August 15, 2013 **Period Recommended:** August 15, 2011 to August 15, 2013	Shasta County Certified Employees Association, Jaime Patton, President, on October 19, 2011. **Support**	District Leadership Team on November 7, 2011. **Approve**	December 14, 2011

Waiver Number	LEA for School(s) (CDS Code[s])	LEAs Request	CDE Recommendation	Previous Waiver Yes or No	Period of Request/ Period Recommended	Collective Bargaining Unit Position/ Current Agreement	SSC/Advisory Committee Position	Local Board Approval Date
18-1-2012	Temple City Unified School District for Dr. Doug Sears Learning Center (19 65052 1995745)	Composition change	Approval with the condition that the composition of the SSC consists of: one principal, two teachers (selected by their peers), one other school representative, three parents (selected by their peers), and one student (selected by their peers.)	**Yes**	**Period of Request:** March 10, 2012 to March 10, 2014 **Period Recommended:** March 10, 2012 to March 10, 2014	California School Employees Association 105 (White Collar, Anita Aemmer and 823 (Blue Collar) Art Contreras, and Temple City Education Association (Teachers), Debra Maurey, on November 21, 2011. **Support**	School Site Council per Stephen Edo, President, Reggie Rios, Teacher, Vincent Ouyang, Student, and Denice Rougeau-Gerlach, Parent, on December 7, 2011. **Approve**	January 11, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver: _X__

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: ___**

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	7	7	0	2	5	0

Local educational agency:	Contact name and recipient of approval/denial notice:	Contact person's e-mail address:
Butteville Elementary School District	Todd Clark-Principal/Superintendent	Todd.clark@butteville.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
24512 Edgewood Rd.	Edgewood	CA	96094	530-938-2255 Fax number:

Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1, 2011 To: June 30,2013	2/7/12

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (*EC)* Section citation, which authorizes the waiver of the specific *EC* Section you want to waive: X Specific code section: **52863**

EC **52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California *Education Code* or *California Code of Regulations* or portion to be waived. Section to be waived: (number) ***EC* 52852**

Requesting **reduced composition** in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: and date of SBE approval Renewals of waivers must be submitted two month vefore the active waiver expires.

4. Collective bargaining unit information.

Does the district have any employee bargaining units? ___ No _X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 19, 2012 Butteville Teachers Assoc. – Lauren Miller, President

Name of bargaining units and representative(s) consulted: Butteville Classified Employees – Betty Shaffer, Pres.

The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (*Please specify why*)

Comments (if appropriate): Unanimous

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: School site council

Date advisory committee/council reviewed request: 2/15/2012

X Approve ___ Neutral ___ Oppose

Were there any objection? Yes No X (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 *A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in this school: The number of administrative staff, teachers and students at the schools. Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for Shared SSC's available at:
http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc

8. Demographic Information:
(*District/school/program)* __ has a student population of _____ and is located in a __(*urban, rural, or small city etc.)*__ in _____ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) __ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? __ No __ Yes
(If yes, please attach explanation or copy of *CCR* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent/Principal	Date: 2/16/12
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Rationale: Item # 7

Butteville Union Elementary School opened its doors in February of 1865, the year that Abraham Lincoln was assassinated. The first continental railroad was under construction and in this tiny, rural community in southern Siskiyou County, life was still very rugged. By 1920, the original school had to be abandoned because the wooden frame structure was unsound and school was conducted for a time in a local church. A new school was built but in 1947 it burned to the ground. The State Department of Education wanted all the Butteville students to simply go to another school, but this survival minded, strong willed community wouldn't hear of it. They rallied together and trekked down to Sacramento, finally convincing the state to build a new school.

Our current campus was constructed in 1950 and was at that time considered to be a model for school construction. The enrollment was just 35 students. There were several other boundary issues fought by the district over the years but again, the will and determination of this community prevailed. The campus has been added on to and remodeled several times and now enrolls about 175 students. The community remains independent and strong and is committed to excellence in their school system.

We have a very dedicated and involved parent involvement program at the school and routinely use parents and extended family members in our classrooms. We have a variety of school events that involve parents and many ways that we communicate including newsletters, web site and all calls. We have not however been able to maintain a 5 member site council on the parent side. We have advertised extensively, repeatedly. It took us until January of this year to have a site council quorum. Frankly, I think that with categorical funding "flexing", site councils have lost their purpose and only have mandates to deal with. It's ironic that the state requires this elaborate waiver process in order to shrink your council from 5 & 5 to 4 & 4. In seeking Board approval and Bargaining unit approval, no one cared in the least. We are a small school district (175), tiny probably in the state's eye. We have a 5 member school board that is hard to fill and we are successful…a 48 point API growth score from 793 to 841 this past year. This is why we are requesting this waiver.

Butteville elementary School Site Council composition would consist of one (1) principal, one (1) classified personnel, two (2) teachers, and four (4) parent or community members.
Our elementary school has eight (8) credentialed teachers, three of whom coach after school activities throughout the year. The fiver (5) remaining teachers take turns as members of the SSC for a term of two (2) years each. A minimum of three (3) teachers is required to comprise the majority of persons represented under category (a). With only five (5) teachers, a teacher has top serve four (4) consecutive years to continue to meet the majority requirement. With only two (2) teachers participating each year, the representing teachers will be rotated to provide a break between terms.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

First Time Waiver: ___

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: ___**

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	2	6	2	8	3	6

Local educational agency: GARFIELD SCHOOL DISTRICT	Contact name and recipient of approval/denial notice: BARBARA M. MCMAHON	Contact person's e-mail address: bmcmahon@humboldt.k12.ca.us
Address: (City) (State) (ZIP) 2200 Freshwater Road Eureka CA 95503		Phone (and extension, if necessary): 707 442-5471 Fax number: 707 442-1932
Period of request: (month/day/year) From: 1/17/12 To: 1/17/14	Local board approval date: (Required) 12/8/11	

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (*EC)* Section citation, which authorizes the waiver of the specific *EC* Section you want to waive: X Specific code section: **52863**

EC **52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: (number) ***EC* 52852**

Requesting **reduced composition** in members for a small school. (Statute requires 12 members for a high schoolsite council and 10 members for elementary schoolsite council).

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: 17-12-2009-WC-7 and date of SBE approval 3/11/10.

4. Collective bargaining unit information.

Does the district have any employee bargaining units? _**X**__ No ___ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining units and representative(s) consulted:

The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name:
Garfield Schoolsite Council

Date advisory committee/council reviewed request: 11/10/11

__**X**_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _**X**__ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 *A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The desired outcome is for the district to be in compliance and have a workable School Site Council. The waiver is necessary due to the small size of our district (under 60 ADA). Currently, our staff size is 3 FTE It is not possible for all three teachers to serve in this capacity due to their adjunct responsibilities. The waiver has approval by both the site council and the board of trustees.

8. Demographic Information:
Garfield School District has a student population of 62 and is located in a rural in Humboldt County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? _X_ No __ Yes
(If yes, please attach explanation or copy of *CCR* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: 12/8/2011
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	8	7	2	7	3	6

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Marysville Joint Unified School District	Jami Larson, Director of Categorical Programs	jlarson@mjusd.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1919 B Street	Marysville	CA	95901	(530) 749-6160 Fax number: (530) 741-7893

Period of request: (month/day/year)	Local board approval date: (Required)
From: 2012/13 To: 2013/14	2-28-2012

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (*EC)* Section citation, which authorizes the waiver of the specific *EC* Section you want to waive:
EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California *Education Code* or *California Code of Regulations* or portion to be waived.
EC 52852 Schoolsite councils for **small schools sharing** common services or attendance areas, administration and other characteristics.
Read SBE Waver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc
Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval
Renewals of waivers must be submitted two months before the active waiver expires.

4. Collective bargaining unit information. **See attachment.**
Does the district have any employee bargaining units? ___ No _x_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s):

Name of bargaining units and representative(s) consulted:

The position(s) of the bargaining unit(s): ___ Neutral ___ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). **See attachment.**
Name: ___

Date advisory committee/council reviewed request: ___

___ Approve ___ Neutral ___ Oppose

Were there any objections? Yes ___ No ___ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 *A schoolsite council shall be established at ~~each~~ school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

See attachment.

8. Demographic Information:
The three Marysville Joint Unified School District Alternative Education Programs have a combined student population of 393 and are located in rural Yuba County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? _X_ No ___ Yes
(If yes, please attach explanation or copy of *CCR* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: 1-24-12
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Collective bargaining unit information

Marysville Unified Teachers Association
Steve White, President
Consultation Date: September 1, 2011
The position of the bargaining unit: ___ Neutral _X_ Support ___ Oppose (*Please specify why*)

Operating Engineers Local Unit #3
Mike Minton, Business/Labor Representative
Consultation Date: December 12, 2011
The position of the bargaining unit: ___ Neutral _X_ Support ___ Oppose (*Please specify why*)

California Schools Employee Association #326
Thomas Page, Labor Relations Representative
Consultation Date: September 1, 2011
The position of the bargaining unit: ___ Neutral _X_ Support ___ Oppose (*Please specify why*)

California Schools Employee Association #648
Thomas Page, Labor Relations Representative
Consultation Date: September 1, 2011
The position of the bargaining unit: ___ Neutral _X_ Support ___ Oppose (*Please specify why*)

Advisory Committee or School Site Council

Abraham Lincoln Home School
Steve Westcamp, President
Date advisory committee/council reviewed request: September 28, 2011
The position of the bargaining unit: _X_ Approve ___ Neutral ___ Oppose
Were there any objections: ___ Yes _X_ No

North Marysville Continuation High School
Steve Westcamp, President
Consultation Date:
The position of the bargaining unit: _X_ Approve _X_ Neutral ___ Oppose
Were there any objections: ___ Yes _X_ No

South Lindhurst High School
Kevin Sweetwood, President
Consultation Date:
The position of the bargaining unit: _X_ Approve _X_ Neutral ___ Oppose
Were there any objections: ___ Yes _X_ No

Description of the situation in your area:

It is very difficult for alternative education programs to obtain the statutory requirements of a 12 member secondary school site council. The schools share a common community, common goals, and common administration while serving a similar population of students. One principal serves all three alternative programs. A consolidated school site council would also provide a savings in time and resources. All three schools are located within a geographic circumference of 8 miles. The alternative education program has a 50% transient rate of which half of those students transition from one MJUSD alternative education program to another. A joint school site council is proposed for North Marysville Continuation High School, South Lindhurst Continuation High School, and Abraham Lincoln Home School.

North Marysville Continuation High School - 116 students, 4 teachers
South Lindhurst Continuation High School - 112 students, 4 teachers
Abraham Lincoln Home School - 165 students, 0 full-time teachers

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL-COMPOSITION OF MEMBERS

First Time Waiver: _x_

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: __**

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	7	7	0	4	2	5

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Sisson School	Kale Riccomini	kale@sisnet.ssku.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
601 East Alma Street, CA 96067	530/926-3846 Fax number: 530/926-2152

Period of request: (month/day/year)	Local board approval date: (Required)
From: 1/1/12 To: 1/1/14	1/9/12

LEGAL CRITERIA

1. Authority for the waiver: ___ Specific code section: ___
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive. Specific Code section: **52863**
EC **52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: Circle One: **EC 52852**

Requesting **reduced composition** in members for a small school. (Statute requires 10 members for elementary school site council).

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval _____
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 12-19-2011 and 12-21-2011

Name of bargaining units and representative(s) consulted: Mt. Shasta Elementary Teachers Association and CSEA

The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name:

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: 12-8-2011

__X_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _X__ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

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 representative 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.

The school wishes to form an eight-member SSC composed of the principal, two teachers, one other staff and four parents or community members selected by parents.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Sisson School Site Council composition would consist of 1 principal, 1 classified employee, 2 teachers, and 4 parent or community members. After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 5 parent members. Parents have declined participating in SSC because they are involved in a number of other volunteer roles that support the school, are working multiple jobs and/or are committing their time to the Parents in Education, the district's parent organization club.

8. Demographic Information:
Sisson School has a student population of approximately 300 students and is located in a rural area in Siskiyou County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _**X**_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL-COMPOSITION OF MEMBERS

First Time Waiver: _x_

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/ **Renewal Waiver: __**

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	7	7	0	4	2	5

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Mt. Shasta Elementary	Kale Riccomini	kale@sisnet.ssku.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
501 Cedar Street, CA 96067	530/926-3434 Fax number: 530/926-2827

Period of request: (month/day/year)	Local board approval date: (Required)
From: 1/1/12 To: 1/1/14	1/9/12

LEGAL CRITERIA

1. Authority for the waiver: ___ Specific code section: ___
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive. Specific Code section: **52863**
EC **52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: Circle One: **EC 52852**

Requesting **reduced composition** in members for a small school. (Statute requires 10 members for elementary school site council).

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval _____
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 12-19-2011 and 12-21-2011

Name of bargaining units and representative(s) consulted: Mt. Shasta Elementary Teachers Association and CSEA

The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name:

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: 12-1-2011

__X_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _X__ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

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 representative 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.

The school wishes to form an eight-member SSC composed of the principal, two teachers, one other staff and four parents or community members selected by parents.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Mt. Shasta Elementary School Site Council composition would consist of 1 principal, 1 classified employee, 2 teachers, and 4 parent or community members. After much recruitment, our small, rural school is unable to get enough parents to meet the requirement of 5 parent members. Parents have declined participating in SSC because they are involved in a number of other volunteer roles that support the school, are working multiple jobs and/or are committing their time to the Parents in Education, the district's parent organization club.

8. Demographic Information:
Mt. Shasta Elementary has a student population of approximately 200 students and is located in a rural area in Siskiyou County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _**X**_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	7	1	0	3	7	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
San Diego County Office of Education Juvenile Court and Community Schools	Mary Glover, Executive Director	mglover@sdcoe.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
6401 Linda Vista Road	San Diego	CA	92111-7399	(858) 571-7240 Fax number: (858) 279-0675

Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1, 2011 To: June 30, 2013	February 8, 2012

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (*EC)* Section citation, which authorizes the waiver of the specific *EC* Section you want to waive:
EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California *Education Code* or *California Code of Regulations* or portion to be waived.
EC 52852 Schoolsite councils for **small schools sharing** common services or attendance areas, administration and other characteristics.
Read SBE Waver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc
Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: **X** and date of SBE approval
Renewals of waivers must be submitted two months before the active waiver expires.

4. Collective bargaining unit information.
Does the district have any employee bargaining units? ___ No **X** Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): September 28, 2011

Name of bargaining units and representative(s) consulted: Association of Educators President, Peter McNamara, and California School Employess Association, President, Mike Reese

The position(s) of the bargaining unit(s): ___ Neutral **X** Support ___ Oppose (*Please specify why*)

Comments (if appropriate): Both Presidents, Peter McNamara and Mike Reese fully support the merging of Hope Region Community (Monarch High School) and Monarch Elementary.

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: JCCS Teacher Advisory: Alex Long, Ben Herrera, Caren Novick, Clifton Davis, Jeffra Becknell, Julia Morris, Mark Leon, Mary Glover, Pete McNamara, Rochelle Lightner and Stacy Bermingham
(Juvenile Court and Community Schools Teacher Advisory Committee)
Date advisory committee/council reviewed request: September 27, 2011
X Approve ___ Neutral ___ Oppose

Were there any objections? Yes ___ No X (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 *A schoolsite council shall be established at ~~each~~ school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

Please see attached description/rationale for waiver request to combine Hope Region Community (Monarch High School) and Monarch Elementary into one school site council.

8. Demographic Information:
(*District/school/program)* Hope Region Community (Monarch High School) has a student population of 75 with 4 teachers. Monarch Elementary has a student population of 66 with 4 teachers.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) **X** No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? **X** **No** ___ Yes
(If yes, please attach explanation or copy of *CCR* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent of Schools	Date: February 8, 2012
Signature of SELPA Director (only if a Special Education Waiver) N/A		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

San Diego County Office of Education
JUVENILE COURT AND COMMUNITY SCHOOLS

School Site Council Waiver for Small Schools
RATIONALE FOR
HOPE REGION WAIVER REQUEST
February 8, 2012

The San Diego Juvenile Court and Community Schools are requesting a School Site Council Waiver for Small Schools to combine schools in the Hope Region of San Diego County under the following CDS Codes into one joint school site council named The Hope Region Joint School Site Council:

- Monarch Elementary – CDS Code 37-10371-10120493
- Hope Region Community (Monarch High School) – CDS Code 37-10371-10115931

Our rationale for making this request include the following

1) the principal is the same person for both of these schools,
2) the schools affected are small: each has less than 75 students,
3) the schools serve a similar Juvenile Court and Community Schools student population; the students are impacted by homelessness,
4) the schools are located on the same property, and
5) the total number of teaching staff at each school is less than five.

In the Juvenile Court and Community Schools, parent participation can be a difficult area to establish. Having a joint school site council would help to unify the schools and lessen the burden on individual school site councils. The educational goals of the schools are parallel, and this would help with the sustainability of the school site council by having a joint council. Due to the numbers and ratios required to create a compliant school site council, a joint council could serve the two schools very well.

Having a joint school site council would allow the process to be streamlined and save valuable time. This would have a very positive effect in facilitating our local agency operations.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SHARED SCHOOL SITE COUNCIL

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education

1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	5	1	0	4	5	4

Local educational agency: Shasta County Office of Education	Contact name and Title: Jennifer Baker, Director	Contact person's e-mail address: jbaker@shastacoe.org
Address: (City) (State) (ZIP) 1644 Magnolia Ave., Redding CA 96001		Phone (and extension, if necessary): 530-225-0248 Fax number: 530-225-0216
Period of request: (month/day/year) From: 08/15/2011 To: 08/15/2013	Local board approval date: (Required) December 14, 2011	

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (*EC)* Section citation, which authorizes the waiver of the specific *EC* Section you want to waive:
EC 52863 Any governing board, on behalf of a school site council, may request the State Board of Education (SBE) to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California *Education Code* or *California Code of Regulations* or portion to be waived.
EC 52852 Schoolsite councils for **small schools sharing** common services or attendance areas, administration and other characteristics.
Read SBE Waver Policy for Shared SSC's: http://www.cde.ca.gov/re/lr/wr/documents/schoolsitepolicyr.doc
Wavers meeting these conditions go to SBE Consent Calendar.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval
Renewals of waivers must be submitted two months before the active waiver expires.

4. Collective bargaining unit information.
Does the district have any employee bargaining units? ___ No XX Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): October 19, 2011

Name of bargaining units and representative(s) consulted: Shasta County Certificated Employees Association President Jamie Patton

The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: District Leadership Team

Date advisory committee/council reviewed request: 11/7/11

X Approve ___ Neutral ___ Oppose

Were there any objections? Yes ___ No X (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-2009)

6. California Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 *A schoolsite council shall be established at ~~each~~ school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in your area: 1. The number of principals, students and teachers at each school 2. Do the schools have a common administration, curriculum, or other shared services? Explain. 3. Do the schools have a geographic proximity or similar student population? What is the distance?

The Shasta County Office of Education Alternative Education schools have circumstances that make it difficult for each site to have its own Site Council. There are four Alternative Education schools. In the court schools, there are three teachers, and approximately forty students. Oasis Community School has 101 students enrolled, and seven teachers. There are two independent study programs with three teachers and sixty-six students. The four schools split two principals, and one vice-principal. The four schools share a common curriculum, and follow a common pacing guide for English-language arts and math. They also share a resource teacher, psychologist services, counseling services and a district leadership team. In addition, many of the students move from our court schools to our community or independent study programs. The schools are located within seven miles of each other.
Part of the work that our district leadership team does is to create district-wide goals. These goals are based on student test scores and student needs. The goals become part of the site plans, and are implemented and monitored at each site. By combining Site Councils it is our hope that the goals of the district can be implemented consistently across all campuses, and student performance will increase.

8. Demographic Information:
Shasta County Office of Education has a student population of 200 and is located in a small city in Shasta County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) __X_ No ___ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? __**X**_ No ___ Yes
(If yes, please attach explanation or copy of *CCR* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: Tom Armelino	Title: Superintendent	Date: November 18, 2011
Signature of SELPA Director (only if a Special Education Waiver)		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER: SCHOOL SITE COUNCIL- COMPOSITION OF MEMBERS

SW-1 (Rev. 10-2-2009) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	6	5	0	5	2

Local educational agency:	Contact name and recipient of approval/denial notice:	Contact person's e-mail address:
Temple City Unified School District	Kate Franceschini	kfranceschini@tcusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
9700 E. Las Tunas Drive,	Temple City	CA	91780	626/548-5006 Fax number: 626/614-8104

Period of request: (month/day/year)	Local board approval date: (Required)
From: 3 -10 -2012 To: 3 -10 -2014	1 -11 -2012

LEGAL CRITERIA

1. Authority for the waiver: Write the Education Code (*EC)* Section citation, which authorizes the waiver of the specific *EC* Section you want to waive: X Specific code section: **52863**

EC **52863** Any governing board, on behalf of a school site council, may request the State Board of Education to grant a waiver of any provision of this article. The State Board of Education may grant a request when it finds that the failure to do so would hinder the implementation or maintenance of a successful school-based coordinated program. (Effective for 2 years only, may be renewed)

2. California *Education Code* or *California Code of Regulations* or portion to be waived. Section to be waived: (number) ***EC* 52852**

Requesting **reduced composition** in members for a small school. (Statute requires 12 members for a high school site council and 10 members for elementary school site council).

3. Previously approved Waiver No: **33-3-2010-W-20**. SBE approval **July 15, 2010**
Renewals of waivers must be submitted two month before the active waiver expires.

4. Collective bargaining unit information.

Does the district have any employee bargaining units? ___ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 11/21/11

Name of bargaining units and representative(s) consulted: CA School Employees Association: 105 (White Collar) Anita Aemmer and 823 (Blue Collar) Art Contreras. Temple City Education Association: (Teachers) Debra Maurey

The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver (All involved are REQUIRED). Name: Stephen Edo (principal), Reggie Rios (teacher), Vincent Ouyang (student), and Denice Rougeau-Gerlach (parent)

Date advisory committee/council reviewed request: December 9, 2011

X Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No X (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-2009)

6. Education Code or California Code of Regulations section to be waived. Use a strike-out key if only portions of sections are to be waived).

EC 52852 *A schoolsite council shall be established at each school which participates in school-based program coordination. The council shall be composed of the principal and representatives of: teachers selected by teachers at the school; other school personnel selected by other school personnel at the school; parents of pupils attending the school selected by such parents; and, in secondary schools, pupils selected by pupils attending the school.*

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

Please attach a brief description of the situation in this school: Indicate why a composition waiver is needed rather than this school sharing a SSC with another school per the SBE Waiver Policy for shared SSC's:
A composition waiver is needed rather than the Dr. Doug Sears Learning Center sharing a SSC with Temple City High School because the DDSLC uses a different curriculum than the high school to meet the specific needs of the students. The school also has its own principal and a full-time counselor to further help this special population of students succeed.

8. Demographic Information:
Temple City is a small city located in Los Angeles County. Dr. Doug Sears Learning Center is a continuation high school serving students in grades 9-12 with a 2011 CBEDS enrollment of 51. The school has a principal, counselor, and 3.60 teachers. The school has open enrollment and a population that enters and leaves at any time during the school year.
..

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) X No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Coordinated Compliance Review finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CCR* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: Chelsea Kang Smith	Title: Superintendent	Date: 1 -11 -2012
Signature of SELPA Director (only if a Special Education Waiver) N/A		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-21

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by the **Imperial County Office of Education** to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Krystle Padilla to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications. Waiver Number: 106-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of the waiver request for this interpreter, with the individual conditions noted in the attached spreadsheet.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In 2002, the State Board of Education (SBE) approved regulations that required educational interpreters to be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent, by January 1, 2007. As of July 1, 2009, they have been required to be certified by the national RID, or equivalent, or to have achieved a score of 4.0 on specified assessments.

SUMMARY OF KEY ISSUES

The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA 2004) requires that interpreters for pupils who are deaf or hard of hearing meet state-approved or state-recognized certification, licensing, registration, or other comparable requirements, as defined in Title 34 of the *Code of Federal Regulations*, Section 300.156(b)(1).

To meet this federal requirement, the *California Code of Regulations,* Title 5 (5 *CCR*), Section 3051.16(b)(3) requires the following:

> By **July 1, 2009**, and thereafter, an educational interpreter shall be certified by the national Registry of Interpreters for the Deaf (RID), or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a

SUMMARY OF KEY ISSUES (Cont.)

score of **4.0** or above on the Educational Interpreter Performance Assessment (EIPA), the Educational Sign Skills Evaluation-Interpreter/Receptive (ESSE-I/R), or the National Association of the Deaf/American Consortium of Certified Interpreters (NAD/ACCI) assessment. If providing Cued Language transliteration, a transliterator shall possess Testing/Evaluation and Certification Unit (TECUnit) certification, or have achieved a score of **4.0** or above on the EIPA – Cued Speech.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in the California *Education Code (EC)* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

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

Authority for Waiver: *EC* Section 33050

Period of request: See individual waiver.

Local board approval date(s): See individual waiver.

Public hearing held on date(s): See individual waiver.

Public hearing advertised by: See individual waiver.

Advisory committee(s) consulted: See individual waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no statewide fiscal impact of waiver approval.

ATTACHMENT(S)

Attachment 1: An explanation of the scoring on each of the approved interpreter assessments (3 pages)

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

Attachment 3: Imperial County Office of Education General Waiver Request 106-2-2012 (3 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office

Educational Interpreter Waiver Requests

An explanation of the scoring on each of the above named assessments is as follows:

- The EIPA is administered by Boys Town National Research Hospital in Omaha, Nebraska. An interpreter who takes the EIPA receives a single composite score from 1-5.

- The ESSE is administered by the Signing Exact English (SEE) Center in Los Alamitos, California. An interpreter who takes the ESSE receives a score from 1-5 in expressive interpreting skills and a separate score from 1-5 in receptive skills. Expressive interpreting refers to the ability to listen to a spoken English message and interpret it in signed language. Receptive skill refers to the ability to understand a signed message, and translate it to spoken or written English. An interpreter who takes the ESSE must receive a score of 4 or above on both portions of the evaluation.

- The NAD/ACCI assessment was administered by the California Coalition of Agencies Serving the Deaf and Hard of Hearing. An interpreter who took the NAD/ACCI assessment received a single composite score from 1-5. Administration of the NAD/ACCI assessment was discontinued in 2004.

Following are descriptions of the levels of educational interpreting provided by Boys Town National Research Hospital, which administers the EIPA:

Level 1: Beginner

Demonstrates very limited sign vocabulary with frequent errors in production. At times, production may be incomprehensible. Grammatical structure tends to be nonexistent. Individual is only able to communicate very simple ideas and demonstrates great difficulty comprehending signed communication. Sign production lacks prosody and use of space for the vast majority of the interpreted message.

An individual at this level is not recommended for classroom interpreting

Level 2: Advanced Beginner

Demonstrates only basic sign vocabulary and these limitations interfere with communication. Lack of fluency and sign production errors are typical and often interfere with communication. The interpreter often hesitates in signing, as if searching for vocabulary. Frequent errors in grammar are apparent, although basic signed sentences appear intact. More complex grammatical structures are typically difficult. Individual is able to read signs at the word level and simple sentence level but complete or complex sentences often require repetitions and repairs. Some use of prosody and space, but use is inconsistent and often incorrect.

An individual at this level is not recommended for classroom interpreting.

Level 3: Intermediate

Demonstrates knowledge of basic vocabulary, but will lack vocabulary for more

technical, complex, or academic topics. Individual is able to sign in a fairly fluent

manner using some consistent prosody, but pacing is still slow with infrequent pauses for vocabulary or complex structures. Sign production may show some errors but generally will not interfere with communication. Grammatical production may still be incorrect, especially for complex structures, but is in general intact for routine and simple language. Comprehends signed messages but may need repetition and assistance. Voiced translation often lacks depth and subtleties of the original message. An individual at this level would be able to communicate very basic classroom content, but may incorrectly interpret complex information resulting in a message that is not always clear.

An interpreter at this level needs continued supervision and should be required to participate in continuing education in interpreting.

Level 4: Advanced Intermediate

Demonstrates broad use of vocabulary with sign production that is generally correct. Demonstrates good strategies for conveying information when a specific sign is not in her/his vocabulary. Grammatical constructions are generally clear and consistent, but

complex information may still pose occasional problems. Prosody is good, with appropriate facial expression most of the time. May still have difficulty with the use of facial expression in complex sentences and adverbial non-manual markers. Fluency may deteriorate when rate or complexity of communication increases. Uses space consistently most of the time, but complex constructions or extended use of discourse cohesion may still pose problems. Comprehension of most signed messages at a normal rate is good but translation may lack some complexity of the original message.

An individual at this level would be able to convey much of the classroom content but may have difficulty with complex topics or rapid turn taking.

Level 5: Advanced

Demonstrates broad and fluent use of vocabulary, with a broad range of strategies for communicating new words and concepts. Sign production errors are minimal and never interfere with comprehension. Prosody is correct for grammatical, non-manual markers, and affective purposes. Complex grammatical constructions are typically not a problem. Comprehension of sign messages is very good, communicating all details of the original message.

An individual at this level is capable of clearly and accurately conveying the majority of interactions within the classroom.

Another way of clarifying the meaning of the scores is as follows:

Score	Rate of accuracy of interpretation
0	0%
1	20%
2	40%
3	60%
4	80%
5	100%

List of Waiver Numbers, Districts, and Information Regarding Each Waiver

Waiver Number	LEA	Interpreter	SBE Stream-lined Waiver Policy	Name, Date, and Score of Most Recent Evaluation	Name, Dates, and Scores of Previous Evaluations	Date of Hire	New or Renewal	Period of Request/ Period Recommended	Bargaining Unit Position	Fiscal Status
106-2-2012	Imperial COE	Krystle Padilla	No	ESSE 2/2012 Scores pending EIPA Pre-Hire Screen 7/20/2011 Hire with Caution/ OK to Hire	ESSE 4/2011 Receptive 3.2 (66%) Receptive 2.3 (46%)	1/5/2012	New	**Period of Request:** January 5, 2012, to June 30, 2012 **(from LEA)** **Period Recommended:** January 1, 2012, to June 30, 2012 **(from CDE)**	California School Employees Association (CSEA), Chapter 614; Ruby Tagaban, President 1/4/2012 Support	No Statewide Impact

Prepared by the California Department of Education
Revised: 4/30/2012 12:37 PM

May 2012 Educational Interpreter Conditions

Waiver Number	LEA	Interpreter	Conditions
106-2-2012	Imperial COE	Krystle Padilla	1. The Imperial COE must provide Ms. Padilla with weekly one-on-one mentorship, based on an individualized professional development plan, by a qualified interpreter. 2. By June 2012, the Imperial COE must provide CDE with new assessment scores for Ms. Padilla. The scores must be from one of the assessments named in 5 *CCR* 3051.16. 3. Ms. Padilla must demonstrate a skill level of 3.0 of above on the assessment in order to be considered a candidate for an educational interpreter waiver for the 2012-13 school year.

Prepared by the California Department of Education
Revised: 4/30/2012 12:37 PM

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST - EDUCATIONAL INTERPRETER

GW-1 (Rev. 1-8-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE					
1	3	1	0	3	2

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Imperial County Office of Education	**Deborah E. Montoya** **Sr. Director, Special Education**	**dmontoya@icoe.org**

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
1398 Sperber Rd. El Centro CA 92243	**760-312-6428** Fax Number: **760-312-6530**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **1/05/2012** To: **6/30/2012**	**February 6, 2012**	**February 6, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section to be waived**: 5 CCR 3051.16 (b)(3) Specialized Services for Low-Incidence Disabilities**

   Topic of the waiver: **Educational Interpreter not Meeting State and Federal Qualifications**
   Name of Interpreter: **Krystle Padilla**_____

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **1st waiver request** and date of SBE Approval_ **N/A**__ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _**X**_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **January 4, 2012**

   Name of bargaining unit and representative(s) consulted: **Ruby Tagaban, President of the California School Employees Association, Chapter 614**

   The position(s) of the bargaining unit(s): __ Neutral _**X**_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _**X**_ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Imperial County Office of Education, Special Education School Site Council
   Date the committee/council reviewed the waiver request: **January 12, 2012**

   Were there any objection(s)? No _**X**_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (1-8-10)
Educational Interpreter

6. *Education Code* or *California Code of Regulations* section to be waived: (**Strike-out** below indicates the exact language being waived.)

EC 3051.16. Specialized Services for Low-Incidence Disabilities.
(b) Certification requirements for educational interpreters for deaf and hard of hearing pupils.
~~(3) By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a **score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment.** If providing Cued Language transliteration, a transliterator shall possess **TECUnit certification, or have achieved a score of 4.0 or above on the EIPA - Cued Speech.**~~

7. Required Attachments:

1. Name, date and score of most recent (within 12 months)* interpreter assessment (EIPA, ESSE, or NAD/ACCI): EIPA Pre-Hire Screening Report
2. Date of hire: January 5, 2012
3. A Remediation Plan, specific to that interpreter, including the LEA's plans help the interpreter to achieve certification in the next year, including training/mentoring by a RID certified interpreter. The plan must include a statement that the interpreter understands (s)he might not be able to stay in their job if certification is not met, or a waiver granted. This document must be signed by the interpreter and the union representative as well as someone from administration.

8. Demographic Information:
Imperial County Office of Education has a student population of **533** and is located in a **_rural area__** in **Imperial** County.

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

January 4, 2012
TO: Krystal Padilla, candidate for Educational Sign Language Interpreter position
FROM: Deborah E. Montoya, Senior Director, Special Education

RE: Educational Sign Language Interpreter Remediation Plan through June 30, 2012.
Dear Ms. Padilla,

In accordance with: Title 5. EDUCATION regulation section 3051.16 (b)(3), "By July 1, 2009, and thereafter, an educational interpreter shall be certified by the national RID, or equivalent; in lieu of RID certification or equivalent, an educational interpreter must have achieved a score of 4.0 or above on the EIPA, the ESSE-I/R, or the NAD/ACCI assessment…". Therefore, this letter is to inform you that the ICOE will be submitting a waiver request in relation to this aforementioned Title 5 Education Code on your behalf. A state requirement of the waiver request is that a Remediation Plan be developed and included with the waiver request. A waiver, if granted, would allow you to work as an Educational Sign Language Interpreter for the 2011-2012 school year. You are eligible to be hired by ICOE due to your Pre-hire Screening results ("hire with caution/ok to hire"). A 4.0 score on an acceptable sign language assessment is the state requirement, as stated above in the Title 5 Education Code, thus all Educational Sign Language Interpreters employed in the K-12 public school system must meet this requirement.

Although you do not have current scores on any of the aforementioned assessments, we do have your last recorded scores from the ESSE taken on April 2011 where you obtained a score of: 2.3 expressive & 3.2 receptive. Therefore the Remediation Plan below will be followed by you to assist you in meeting qualification requirements of an Educational Sign Language Interpreter.

Remediation Plan:

- The Imperial County Office of Education (ICOE) must provide CDE with your assessment scores (ESSE or EIPA); therefore, you are required to take the ESSE or EIPA exam before the end of the 2011-2012 school year. The ESSE exam is scheduled on February 4, 2012 in Santa Ana, CA, and you are required to attend and take the exam on the scheduled date. The Special Education Department will assist you with making the arrangements.
- You are required to take advantage of the opportunities and resources available from ICOE to maximize your assessment score. Proof of participation in these opportunities will strengthen the waiver application request when CDE determines whether to grant or deny your waiver. Opportunities are listed below.

The ICOE is offering opportunities to support you in the above remediation plan and to help you meet your goal of 4.0 test score on the ESSE or EIPA. ICOE is offering the following opportunities for professional growth:

- EIPA Workshops (January 14, 2012; March 24, 2012 & April 14, 2012)

- Reimbursement for unit cost of Cypress College coursework (provided through video conferencing)
- Access to DVD library
- Reimbursement for one EIPA or ESSE assessment during 2011-2012 school year
- Access to newly purchased sign language vocabulary books with previously non-accessible vocabulary
- Encouragement of all interpreters to meet regularly with colleagues to work on developing their Sign language skills; ICOE to provide location

The ICOE expects your full cooperation in this remediation plan. A Waiver Request for the 2011-2012 school year will be submitted for the California State Board of Education's review during the May 9 and 10 CDE Board of Education meeting. Your continued employment for the 2011-2012 school year will be contingent upon CDE Board of Education approval. There is no guarantee that the CDE will grant a waiver when requested.

Should you have any questions and/or concerns please contact Deborah Montoya at (760) 312-6428. Thank you in advance for your attention and cooperation in this matter. We look forward to your successful obtainment of a passing score on the ESSE or EIPA in the near future.

Ruby Pacheco- CSEA Chapter 614 President Deborah Montoya-ICOE Program Administrator Employee- Krystal Padilla

ITEM #W-22

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by seven 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 Number: Eastern Sierra Unified 34-1-2012 Liberty Elementary School District 79-2-2012 McCabe Union Elementary School District 101-1-2012 Midway Elementary School District 109-2-2012 Sierra-Plumas Joint Unified School District 89-2-2012 Solvang Elementary School District 100-1-2012 Wiseburn Elementary School District 39-1-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers fully meeting the statutory conditions go to the State Board of Education consent calendar.

SUMMARY OF KEY ISSUES

There are seven summer school meal waivers requested under authority of the California *Education Code* (EC) Section 49548 to waive *EC* Section 49550, the requirement that meals be served each school day.

Pursuant to *EC* Section 49548, 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:

SUMMARY OF KEY ISSUES (Cont.)

- 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 below have requested a waiver of *EC* Section 49550 for the summer of 2012 and have certified their compliance with all required conditions necessary to obtain a waiver.

The California Department of Education (CDE) has reviewed the waivers 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 34-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Liberty Elementary School District Specific Waiver Request 79-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: McCabe Union Elementary School District Specific Waiver Request 101-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Midway Elementary School District Specific Waiver Request 109-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Sierra-Plumas Joint Unified School District Specific Waiver Request 89-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Solvang Elementary School District Specific Waiver Request 100-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Wiseburn Elementary School District Specific Waiver Request 39-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number	District	School Site	Effective Period of Request(s)	Local Board Approval Date Verified by CDE	Condition Being Met
34-1-2012	Eastern Sierra Unified School District	Antelope Elementary Bridgeport Elementary Lee Vining Elementary Edna Beaman Elementary	7-1- through 8-10-2012	1/18/2012	2
79-2-2012	Liberty Elementary School District	Liberty Elementary	7-9 through 7-26-2012	2/9/2012	2
101-1-2012	McCabe Union Elementary School District	McCabe Elementary	6-11 through 6-29-2012	2/14/2012	3
109-2-2012	Midway Elementary School District	Midway School	6-11 through 7-6-2012	2/15/2012	3
89-2-2012	Sierra-Plumas Joint Unified School District	Loyalton High School	6-25 through 8-17-2012	2/14/2012	3
100-1-2012	Solvang Elementary School District	Solvang Elementary	6-18 through 7-16-2012	2/14/2012	3
39-1-2012	Wiseburn Elementary School District	Juan de Anza Elementary	6-25 through 7-20-2012	2/7/2012	1

Prepared by the California Department of Education on April 9, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-13-2011) http://www.cde.ca.gov/re/lr/wr/ *DISTRICT INFORMATION*

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
2	6	7	3	6	6	8

Local educational agency: Eastern Sierra Unified School District	Contact name and recipient of approval/denial notice: Mollie Nugent	Contact person's e-mail address: mnugent@esusd.org
Address: (City) (State) (ZIP) PO Box 575 Bridgeport CA 93517		Phone (and extension, if necessary): (760) 932-7443 x 1004 Fax number: (760) 932 - 7140
Period of request: (Summer School Session) From: 7/01/2012 To: 8/10/2012	Local board approval date: (Required) January 18, 2012	

LEGAL CRITERIA

1. **Authority for the waiver:** *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

2. ***Education Code (EC)* Section to be waived:** 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

3. **Desired outcome/rationale.**
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (_4__) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date: January 19, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-13-2011) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*

Site Name: Antelope Elementary School		
Summer School day at this site begins: 8:00 and ends: 11:30. Total Time: 3/30 (Hrs/Min)		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO X	Condition THREE ☐
Site Name: Bridgeport Elementary School		
Summer School day at this site begins: 8:00 and ends: 11:30. Total Time: 3/30 (Hrs/Min)		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO X	Condition THREE ☐
Site Name: Lee Vining Elementary School		
Summer School day at this site begins: 8:00 and ends: 11:30. Total Time: 3/30 (Hrs/Min)		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO X	Condition THREE ☐
Site Name: Edna Beaman Elementary School		
Summer School day at this site begins: 8:00 and ends: 11:30. Total Time: 3/30 (Hrs/Min)		
Meal time at this site for the summer session begins: 11:10 and ends: 11:30		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO X	Condition THREE ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 11, 2011 or April 13, 2011 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *DISTRICT INFORMATION*

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
4	9	7	0	7	9	7

Local educational agency: LIBERTY ELEMENTARY SCHOOL DISTRICT	Contact name and recipient of approval/denial notice: PATRICIA PETZAR	Contact person's e-mail address: ppetzar@libertysd.org
Address: (City) (State) (ZIP) 170 LIBERTY SCHOOL ROAD PETALUMA CA 94952-1074		Phone (and extension, if necessary): (707) 795-4380 x 120 Fax number: (707) 795 - 1140
Period of request: (Summer School Session) From: JULY 9, 2012 To: JULY 26, 2012	Local board approval date: (Required) FEBRUARY 9, 2012	

LEGAL CRITERIA

4. Authority for the waiver: *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

5. *Education Code (EC)* Section to be waived: 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

6. Desired outcome/rationale.
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (1) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: CHRIS RAFANELLI SIGNED ORIGINAL MAILED 02-13-12	Title: SUPERINTENDENT	Date: FEBRUARY 9, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*

Site Name: LIBERTY ELEMENTARY SCHOOL		
Summer School day at this site begins: 8:25 am and ends: 11:55 am. Total Time: 3.5 Hrs		
Meal time at this site for the summer session begins: and ends:		
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)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *DISTRICT INFORMATION*

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
1	3	6	3	1	8	0

Local educational agency: McCabe Union Elementary School District	Contact name and recipient of approval/denial notice: Gary Hobelman	Contact person's e-mail address: ghobelman@mccabeschool.net
Address: (City) (State) (ZIP) 701 W McCabe Rd El Centro CA 92243		Phone (and extension, if necessary): (760) 335-5200 x Fax number: (760) 352-4398
Period of request: (Summer School Session) From: 6/11/2012 To: 6/29/2012	Local board approval date: (Required) 2/14/2012	

LEGAL CRITERIA

7. Authority for the waiver: *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

8. *Education Code (EC)* Section to be waived: 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

9. Desired outcome/rationale.
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (_1_) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: 2/14/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*

Site Name: McCabe Union Elementary		
Summer School day at this site begins: 8:30 and ends: 10:30. Total Time: 2 Hrs(Hrs/Min)		
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)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *DISTRICT INFORMATION*

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
1	5	6	3	6	6	9

Local educational agency: MIDWAY SCHOOL DISTRICT	Contact name and recipient of approval/denial notice: TONI MCKNIGHT	Contact person's e-mail address: tomckni@zeus.kern.org
Address: (City) (State) (ZIP) P O BOX 39 FELLOWS CA 93224		Phone (and extension, if necessary): (661) 768-4344 x Fax number: (661) 768 - 4746
Period of request: (Summer School Session) From: 06/11/12 To: 07/06/12	Local board approval date: (Required) FEBRUARY 15, 2012	

LEGAL CRITERIA

10. Authority for the waiver: *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

11. *Education Code (EC)* Section to be waived: 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

12. Desired outcome/rationale.
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (__1_) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: SUPERINTENDENT	Date: 02/15/12

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*
Page 2 of 2

Site Name: MIDWAY SCHOOL DISTRICT		
Summer School day at this site begins: 06/11/12 and ends: 07/06/12. Total Time: 2HRS (Hrs/Min)		
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)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *DISTRICT INFORMATION*

Send original plus one copy to:
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1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
4	6	7	0	1	7	7

Local educational agency: Sierra-Plumas JUSD	Contact name and recipient of approval/denial notice: L Wentling	Contact person's e-mail address: lwentling@spjusd.org
Address: (City) (State) (ZIP) PO Box 157 Sierraville CA 96126		Phone (and extension, if necessary): (530) 994-1044 x 21 Fax number: (530) 994 - 1045
Period of request: (Summer School Session) From: June 25, 2012 To: Aug. 17,2012	Local board approval date: (Required) Feb14, 2012	

LEGAL CRITERIA

13. Authority for the waiver: *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

14. *Education Code (EC)* Section to be waived: 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

15. Desired outcome/rationale.
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (1) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: Feb. 14, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*
Page 2 of 2

Site Name: Loyalton High School		
Summer School day at this site begins: 10am and ends: 11am. Total Time: 1(Hrs/Min)		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE X

Site Name:		
Summer School day at this site begins: and ends: . Total Time: (Hrs/Min)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-11-2012) http://www.cde.ca.gov/re/lr/wr/ *DISTRICT INFORMATION*

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Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
4	2	6	9	3	3	6

Local educational agency: Solvang Elementary School District	Contact name and recipient of approval/denial notice: Cynthia Michaud	Contact person's e-mail address: cynthiam@solvangschool.org
Address: (City) (State) (ZIP) 565 Atterdag Rd. Solvang CA 93463		Phone (and extension, if necessary): (805) 697-4453 x Fax number: (805) 688- 7012
Period of request: (Summer School Session) From: 6/18/12 To: 7/16/12	Local board approval date: (Required) 2/14/12	

LEGAL CRITERIA

16. Authority for the waiver: *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

17. *Education Code (EC)* Section to be waived: 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

18. Desired outcome/rationale.
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (_1__) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Tom Allcock, Superintendent	Date: 2/14/12

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*

Site Name: Solvang Elementary School		
Summer School day at this site begins: 8:30 am and ends: 10:30 am. Total Time: 2 hrs/0 min(Hrs/Min)		
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 XX

Site Name:		
Summer School day at this site begins: and ends: . Total Time: (Hrs/Min)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.
If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 01-11-2012) http://www.cde.ca.gov/re/lr/wr/ *DISTRICT INFORMATION*

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE

Local educational agency: Wiseburn School District	Contact name and recipient of approval/denial notice: Tom Cox			Contact person's e-mail address: tcox@wiseburn.k12.ca.us
Address: (ZIP) 13530 Aviation Blvd.	(City) Hawthorne	(State) CA	90250	Phone (and extension, if necessary): (310) 643-3025 x Fax number: (310) 643 - 7659
Period of request: (Summer School Session) From: 6-25-12 To: 7-20-12		Local board approval date: (Required) 2-7-12		

LEGAL CRITERIA

19. Authority for the waiver: *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

20. *Education Code (EC)* Section to be waived: 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

21. Desired outcome/rationale.
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (1) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
Tom Johnstone	Superintendent	1-30-12

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01-11-2012) *http://www.cde.ca.gov/re/lr/wr/* *SITE 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 hr 55 min (Hrs/Min)		
Meal time at this site for the summer session begins: and ends:		
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)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

ITEM #W-24

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by **Kingsburg Joint Union High 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 for Kingsburg High School. Waiver Number: 24-3-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

School sites operating a summer school session shall be granted a waiver if they meet **one** of the following conditions:

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

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; OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

SUMMARY OF KEY ISSUES

Kingsburg Joint Union High School District (District) requests a waiver from the State Meal Mandate, which requires that it provide a meal to every needy student attending summer school at Kingsburg High School. The District's request is based on meeting **Condition Two**, which requires the District to demonstrate a loss greater than or equal to one-third of its Cafeteria Fund's net cash resources (NCR).

The District provided a profit/loss statement that contains its projected program income, expenses, and loss incurred as a result of serving summer session meals. The information supplied by the District indicates that it will incur a loss of $704, which is $339 greater than one-third of its NCR, thus qualifying the District for a waiver under Condition Two (see table below).

Program Income:	**$2,504.03**
Program Expenses:	**$3,208.91**
Program Loss:	**$704.88**
Net Cash Resources (NCR):	**$1097.51**
One-third NCR:	**$365.84**
Difference (1/3 of NCR – Program Loss):	**-$339.04**

However, the CDE recommends that the District's request for a waiver be denied because of questionable assumptions contained in the District's financial analysis.

Specifically, the financial documentation form that the CDE requires districts to complete requests that districts report the percentage of enrolled students eating a meal during the regular school year and to assume that the same percentage of students will eat a meal during summer school.

The District's projected income used an incorrect federal reimbursement table to estimate revenue; therefore, this school would receive a higher rate of reimbursement (and more revenue) than the District projected. It also assumes it will serve meals to only 28 students, which is lower than what their regular school year's average daily meal participation would suggest. The CDE estimates a summer school participation of approximately 35 students. The District's analysis also assumes that not one paid meal would be sold. The District would not provide the CDE with a scenario in which paid students participated in the meal service.

When the CDE calculated the District's income based on serving meals to the expected number of students and used the correct reimbursement table, the District's loss would be $99, which is $266 less than one-third of the Cafeteria Fund's net cash resources and does not qualify the District for a waiver under Condition Two (see table below).

Program Income:	**$3,109.55**
Program Expenses:	**$3,208.91**
Program Loss:	**$99.36**
Net Cash Resources (NCR):	**$1,097.51**
One-third NCR:	**$365.84**
Difference (1/3 of NCR – Program Loss):	**$266.48**

SUMMARY OF KEY ISSUES (Cont.)

The Department recommends that the State Board of Education deny the summer meal waiver request for Kingsburg Joint Union High School District.

Authority for Waiver: *EC* Section 49548

Period of request: June 11, 2012, to July 20, 2012

Local board approval date(s): April 16, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Denial of the waiver may increase the draw on Proposition 98 funds at the State level. Local district finances may be affected.

ATTACHMENT(S)

Attachment 1: Specific Waiver Request (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST — *SUMMER SCHOOL MEAL WAIVER*

SSM-1 (Rev. 12-12-09) *http://www.cde.ca.gov/re/lr/wr/* — *DISTRICT INFORMATION*

Page 1 of 2

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
1	0	6	2	2	5	7

Local educational agency: Kingsburg Joint Union High School District	Contact name and recipient of approval/denial notice: Andie Salvador	Contact person's e-mail address: asalvador@fcoe.net
Address: (City) (State) (ZIP) 1900 18th Avenue Kingsburg CA 93631		Phone (and extension, if necessary): (559) 896-6020 x Fax number: (559) 897- 7759
Period of request: (Summer School Session) From: June 11, 2012 To: July 20, 2012	Local board approval date: (Required) April 16, 2012	

LEGAL CRITERIA

1. **Authority for the waiver:** *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

2. ***Education Code (EC)* Section to be waived:** 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

3. **Desired outcome/rationale.**
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (_1__) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

attach Site Information form TO COMPLETE WAIVER REQUEST

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Business Manager	Date: March 13, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST *SUMMER SCHOOL MEAL WAIVER*
SI-1 (Rev. 01/06/09) *http://www.cde.ca.gov/re/lr/wr/* *SITE INFORMATION*
Page 2 of 2

Site Name: Kingsburg High School		
Summer School day at this site begins: 7:30 a.m. and ends: 11:25 a.m. Total Time: 3 hrs 55 min (Hrs/Min)		
Meal time at this site for the summer session begins: and ends:		
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)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal. For submission deadlines, see the Waiver Calendar for 2010.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 11, 2010 or April 13, 2010, at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Noel Davis, Program Specialist, Nutrition Services Division, School Nutrition Programs, at 916-322-1641 or by e-mail at ndavis@cde.ca.gov.

ITEM #W-26

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Mt. Diablo Unified School District** to waive California *Education Code* Section 47660 regarding the impact of Clayton Valley Charter High School Funding. Waiver Number: 136-2-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) deny the waiver request per *Education Code (EC)* Section 33051(a)(6) because the request would substantially increase state costs. Further, pursuant to *EC* Section 33051(a)(8), the apportionment statutes that govern school district revenue limits are not waivable. Approval of this waiver would have the same affect.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not previously heard a similar waiver request.

SUMMARY OF KEY ISSUES

Pursuant to *EC* Section 47660, conversion charter schools that are sponsored by unified school districts (USDs) are funded in a manner different than most other charter schools. The purpose of this provision of law is to prevent USDs from converting their district schools to charters and receiving additional funding at an increased cost to the state.

While these conversion charter schools receive the same block grant funding from the state as new start-up charter schools, the sponsoring USD's funding is adjusted either up or down due to the conversion charter. This adjustment does not occur for start-up charter schools or conversion charter schools that are sponsored by elementary or high school districts.

To adjust the USD's funding, the average daily attendance (ADA) of the conversion charter school is combined with the school district's ADA, and revenue limit funding is provided to the district based on the combined district and charter ADA. Then, an offset

SUMMARY OF KEY ISSUES (Cont.)

is made to the district revenue limit that is equivalent to the conversion charter school's ADA times the appropriate charter block grant rate. To the extent that the charter school receives more or less funding than it would if it was still part of the district (i.e. depending on whether the charter block grant rate is higher or lower than the district's revenue limit rate), that difference is added to, or subtracted from, the district's revenue limit funding.

In the case of Mt. Diablo USD, the district denied the Clayton Valley Charter High School (CVCHS) charter petition, but the Contra Costa County Office of Education approved the petition on appeal. The Mt. Diablo USD is still the sponsoring district, and the funding will work like any other conversion charter school in a USD, meaning the difference between the charter block grant rate and the district revenue limit will still be added to, or subtracted from, the district's revenue limit funding. The CVCHS is scheduled to open in the fall of 2012.

According to Mt. Diablo USD, it is a low wealth USD funded below the statewide average. Including the charter school's students in the district's revenue limit calculation and then having the district pay out to the charter general purpose block grant based on the statewide average high school district rate causes the district to lose $979.84 per unit of ADA at the school. This creates a loss of approximately $1.74 million annually at a time when school funding has already been cut, and is proposed to be further reduced in the 2012–13 budget. This creates a significant hardship upon other students in the district. The district is asking to waive the provision of law that adjusts the district's revenue limit funds based on the charter ADA, thus holding the district's funding constant.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: Mt. Diablo USD has a student population of 34,650 and is located in a suburban city in Contra Costa County.

Authority for Waiver: *EC* Section 33050

SUMMARY OF KEY ISSUES (Cont.)

Period of request: July 1, 2012 to June 30, 2014

Local board approval date(s): February 22, 2012

Public hearing held on date(s): February 22, 2012**Bargaining unit(s) consulted on date(s):** Mt. Diablo Education Association, February 7, 2011.

Name of bargaining unit/representative(s) consulted: Mike Langley, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☒ posting in a newspaper ☒ posting at each school ☒ other (specify) Notice to Contra Costa Times and District Office website.

Advisory committee(s) consulted: Budget Advisory Committee

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 16, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, this waiver would increase state General Fund Proposition 98 costs by approximately $1.74 million annually.

ATTACHMENT(S)

Attachment 1: Mt. Diablo Unified School District General Waiver Request 136-2-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
0	7	6	1	7	5	4

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Mt. Diablo Unified School District	Deborah A. Cooksey Associate General Counsel	cookseyd@mdusd.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1936 Carlotta Drive	Concord	CA	94519	(925) 682-8000, ext. 4063 Fax Number: (925) 680-2505

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/12 To: 6/30/14	2-22-12	2-22-12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 47660 Circle One: ***EC*** or *CCR*

   Topic of the waiver: Impact of CVCHS Conversion Funding

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **NO** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): MDEA (Teachers' Union) on February 7, 2011

   Name of bargaining unit and representative(s) consulted: MDEA -- Mike Langley, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): "A District-neutral fiscal impact of the charter would be a good thing." Mike Langley

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised? Notice to Contra Costa Times and District Office Website

   _X_ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: sent via email on 2/16/12 to the Budget Advisory Committee

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Please See Attachment A

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please See Attachment B

8. Demographic Information:
(***District****/school/program)* *Mt. Diablo Unified School District* has a student population of 34,650 and is located in a Suburban City in Contra Costa County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Steven Lawrence, Ph.D. Superintendent	Date: February 23, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT A

#6: MDUSD GENERAL WAIVER REQUEST
EDUCATION CODE SECTION TO BE WAIVED: 47660
CLAYTON VALLEY CHARTER HIGH SCHOOL FUNDING IMPACT

Waive the stricken through provisions of Ed Code Section 47660 which provides that:
"(a) For purposes of computing eligibility for, and entitlements to, general purpose funding and operational funding for categorical programs, the enrollment and average daily attendance of a sponsoring local educational agency shall exclude the enrollment and attendance of pupils in its charter schools funded pursuant to this chapter.

(b)(1) Notwithstanding subdivision (a), and commencing with the 2005-06 fiscal year, for purposes of computing eligibility for, and entitlements to, revenue limit funding, the average daily attendance of a unified school district, other than a unified school district that has converted all of its schools to charter status pursuant to 47606, shall include all attendance of pupils who reside in the unified school district and who would otherwise have been eligible to attend a noncharter school of the school district, if the school district was a basic aid school district in the prior fiscal year, ~~or if the pupils reside in the unified district and attended a charter school of that school district that converted to charter status o or after July 1, 2005.~~ Only the attendance of pupils described by this paragraph shall be included in the calculation made pursuant to paragraph (7) of subdivision (h) of Section 42238."

Practical Effect of Waiver

- The Clayton Valley Charter High School, a conversion charter, would be treated the same as a start-up charter and the funding difference between the District's unified rate and the high school rate, would not be borne by the remaining students and families of the district.

ATTACHMENT B

#7: MDUSD GENERAL WAIVER REQUEST
DESIRED OUTCOME/RATIONALE
CLAYTON VALLEY CHARTER HIGH SCHOOL FUNDING IMPACT

On January 11, 2012, Contra Costa County Office of Education approved the conversion of Clayton Valley High School to an independent charter school. CVHS is the District's second largest high school and houses approximately 5.47% of the District's pupils. Mt. Diablo USD is a low wealth unified district funded below the statewide average. The inclusion of the school's students in the District's revenue limit and then having the District pay out to the charter general purpose block grant based on the statewide average high school district rate causes the District to lose $979.84 per unit of ADA at the school. This creates a loss of approximately $1.74M annually at a time when school funding has already been cut, and is proposed to be further reduced in the 2012-13 budget. This creates a significant hardship upon the remaining students in the District.

Funding a comprehensive high school conversion charter in a unified district at the high school district rate ignores the reason the high school district rate is higher than the elementary rate. It is higher to help cover the costs of students who are more expensive to serve: continuation; community day; and other students at risk of dropping out of school. Comprehensive high school students are not that much more expensive to serve than elementary or middle school students due to the fact that State law mandates a single salary schedule for unified districts. However, under current scenario, the District will retain all of the expensive to serve students and will lose the funding with which to serve them.

If the effect is spread across the entire District, it results in a loss of $56.68 per unit of ADA (a 1.09% decrease) for all other schools in the District. However, many parents in the other communities in the District feel strongly that other feeder patterns should remain unaffected and the impact of this cut should be borne solely by the Clayton Valley feeder pattern. There are currently 3,504.68 units of ADA in the other schools that are part of the Clayton Valley feeder pattern. A small portion of two of the schools feeds into another high school attendance area, but their ADA is included in this calculation. Spreading the loss of revenue among these four elementary schools and two middle schools would create a loss of funding of $496.81 per unit of ADA (a 9.53% decrease) on these campuses, and would put their funding at $4,711.35/ADA, well below the statewide average for elementary school districts.

Maintaining this disparity also works against the State's intended objective of district unification and consolidation as it creates a penalty should any high school in the consolidation ever decide to convert to charter status.

Until now, conversion charter high schools have been predominantly limited to the Los Angeles Unified School District. If a school in LAUSD of 1,777 converts out of a district of 571,225, it comprises only 0.31% of that district's students. The conversion of the school in LAUSD creates a loss to the other LAUSD schools of $3.05 per ADA. In our District the loss is nearly 20 times that amount.

Through this waiver, the District seeks to neutralize the financial impact to the other students of the District.

ITEM #W-27

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by two districts to waive California *Education Code* Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees so that Standardized Testing and Reporting test results for the year may be included in the evaluation criteria for those management employees. Waiver Numbers: Lincoln Unified School District 94-1-2012 Pomona Unified School District 25-1-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education recommends denial for the following reasons:

California *Education Code* Section 33051(a)(1) The educational needs of the pupils are not adequately addressed.

California *Education Code (EC)* Section 33051(a)(4) Pupil or school personnel protections are jeopardized.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2012, the State Board of Education (SBE) approved waiver number 63-12-2011 for Westminster School District. In May 2011, the SBE approved waiver number 82-2-2011 for the Lincoln Unified School District. Both waivers were approved with the condition that in granting the waivers, no employee's evaluation would be negatively impacted by the consideration of Standardized Testing and Reporting (STAR) results received after the statutory June 30 deadline.

Prior to February 2008, the SBE approved waivers of this type for San Gabriel Unified School District and Castaic Union Elementary School District.

SUMMARY OF KEY ISSUES

Governing boards of each school district are charged with establishing and defining job responsibilities for certificated non-instructional employees (e.g., principals) and to evaluate and assess the performance of those non-instructional certificated employees as it reasonably relates to the fulfillment of those responsibilities *EC* Section 44662(c).

SUMMARY OF KEY ISSUES (~~Con't~~C~~c~~on'~~tt.~~)

The districts seek to move the non-instructional certificated employee evaluation dates from June 30 and July 30 to an unspecified date sometime after STAR test results are made public, but before September 30. The districts wish to use this information in the evaluations of non-instructional certificated employees.

According to submitted information from Lincoln Unified School District, to the best of the district's knowledge, the employees themselves who were evaluated pursuant to this waiver supported the later evaluation incorporating the STAR results and have provided positive feedback to district administration as to the increased effectiveness of the evaluation process.

The Lincoln Unified Teachers Association, which does not represent the certificated non-instructional employees, has opposed this request as it "… does not believe an evaluation should be tied to the student scores on the STAR." All other bargaining units support the waiver request.

Lincoln Unified School District is requesting a renewal waiver for a period of May 1, 2012, through September 30, 2012. This waiver cannot be considered as a renewal because the first waiver request had a period of request from May 1, 2011 through September 30, 2011; the renewal request was not submitted until January 2012. Pomona Unified School District is requesting a waiver for a period of June 1, 2012, through October 30, 2012.

The Department's believes that the use of STAR data in an employee evaluation could jeopardize the educational needs of the pupils and limit the school personnel protections, if that evaluation contributed to the employee's dismissal.

Currently, STAR data are not available until mid to late summer, and can often be delayed until after the school year has begun. It is not in the best interest of students to allow this type of determination to be made so late in the planning process. Postponing the evaluation process until STAR data are available could result in the dismissal of a non-instructional certificated employee after the start of a school year impeding the education process of the students. Clearly, postponing such decisions until late summer or early fall is not in the best interest of students.

It is the intent of the Legislature in *EC* Section 60602(a) that STAR's "…primary purpose of assisting teachers, administrators, pupils, and their parents, to improve teaching and learning" and in *EC* Section 60602(a)(6) that STAR "assess pupils for a broad range of academic skills…" As developed, the California Standards Tests were designed to ensure that teachers were teaching all of the state standards. They were not designed to measure individual student mastery of the standards over time (the tests are not linked from grade to grade). At this point in time, the use of STAR data to be included in personnel evaluations would be premature, as the standardized tests were not designed for that purpose.

SUMMARY OF KEY ISSUES (~~Con't~~Ccon't.)

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
(4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 2: Lincoln Unified School District General Waiver Request 94-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Pomona Unified School District General Waiver Request 25-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 1

Districts Requesting Change of Evaluation Dates for Non-certificated, Non-instructional Employees

Waiver Number	District	Streamlined Waiver Policy	Period of Request	Demographic Information	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date, and Position
94-1-2012	Lincoln Unified School District	Does not meet.	5/1/2012-9/20/2013	Lincoln USD has a student population of 8,912, located in a small city in San Joaquin County	California School Empolyees Association, Dorothy McCowan, President, 1/31/20112 **Support** Lincoln Unified Teachers Association, Janet Olmstead, President, 2/1/2012 **Oppose**	February 8, 2012	Schoolsite Council 2/6/2012 **No Objections**
25-1-2012	Pomona Unified School District	Meets List 2 API 861	6/1/2012 to 10/30/2012	Pamona USD has a student population of approximately 27,000 students, located in an urban area of Los Angeles County	California School Employees Association, Richard Valenzuela, President, 10/13/2012 **Support** Associated Pamona Teachers, Tyra Weis, President, 10/14/2012 **Support**	December 13, 2011	Bilingual Adviosry Committee, 12/18/2011 **No Objections** Title 1Advisory Panel, 11/21/2011 **No Objections**

Created by the California Department of Education on March 16, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: ___
Renewal Waiver: _X_

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						

Local educational agency:	Contact name and Title:	Contact person's e-mail:
Lincoln Unified School District	Tom Uslan, Superintendent Lisa Walker, Executive Assistant David Robinett, Legal Counsel (925) 227-9200	tuslan@lusd.net lwalker@lusd.net

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
2010 W. Swain Rd Stockton, CA 95207	(209) 953-8712 Fax Number: (209) 951-5195

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: May 1, 2012 To: September 20, 2013	February 8, 2012	February 8, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): portions of Ed Code 44663(b) Circle One: *EC* or *CCR*

   Topic of the waiver: Evaluation of Certificated Non-instructional Employees

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 82-2-2011 and date of SBE Approval: 5/12/2011
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): California School Employees Association: 1/31/12
   Lincoln Unified Teachers Association: 2/1/12

   Name of bargaining unit and representative(s) consulted:
   California School Employees Association (CSEA): Dorsey McCowan
   Lincoln Unified Teachers Association (LUTA): Janet Olmstead
   The position(s) of the bargaining unit(s): __ Neutral X (CSEA) Support X (LUTA) Oppose (*Please specify why*)
   CSEA supports the waiver.
   Comments (if appropriate): LUTA does not believe an evaluation should be tied to the student scores on the California Standardized Testing and Reporting (STAR).

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* Posted @ Margaret Troke Library and on district website: www.lusd.net

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: School Site Council: February 6, 2012

   Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code section 44663(b): In the case of a certificated noninstructional employee, who is employed on a 12-month basis, the evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee ~~no later than June 30 of the year in which the evaluation and assessment is made~~. A certificated noninstructional employee, who is employed on a 12-month basis shall have the right to initiate a written reaction or response to the evaluation. This response shall become a permanent attachment to the employee's personnel file. Before ~~July 30 of the year in which~~ the evaluation and assessment takes place, a meeting shall be held between the certificated employee and the evaluator to discuss the evaluation and assessment.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

Section 44663(b) provides that certificated non-instructional employees (e.g., school administrators) must receive a copy of their annual performance evaluation no later than June 30 of the year in which they are evaluated. However the June 30 deadline does not allow for the District to incorporate Standardized Testing and Reporting (STAR) results into its assessment of its certificated non-instructional employees. This is because STAR results are not reported to the District until August, therefore this data is not available to the District by the time its evaluations must be completed.

The District considers STAR results to be a critical indicator of student achievement at any given school site. Thus, the District believes it can more effectively evaluate the performance of its school administrators when it can incorporate the current year's STAR data.

By virtue of receiving this identical waiver last year, the District was able to discuss student achievement and individual school performance during its certificated non-instructional performance evaluation in a more meaningful way than it had been able to in the past. This in turn led to more accurate assessments of instructional programs, and more effective academic achievement goals for each school site, based on the additional data available during the evaluation process as a result of this waiver. Importantly, pursuant to the State Board's primary consideration in awarding this waiver, no employee's evaluation was negatively impacted by the consideration of STAR results received after the statutory June 30 deadline. To the best of the District's knowledge, the employees themselves who were evaluated pursuant to this waiver supported the later evaluation incorporating the STAR results and have provided positive feedback to District administration as to the increased effectiveness of the evaluation process.

8. Demographic Information:
Lincoln Unified School District has a student population of 8,912 and is located in a small city in San Joaquin County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 02/09/2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: _____

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	9	6	4	9	0	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Pomona Unified School District	**Darren Knowles, Interim Administrative Director, Personnel Services**	darren.knowles@pusd.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
800 S. Garey Avenue	**Pomona**	**CA**	**91766**	**(909) 397-4800 x3800** Fax Number: **(909) 623-8776**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **06/01/12 To: 10/30/12**	**12/13/11**	**12/13/11**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: ***EC*** or *CCR*

   Topic of the waiver: **Written evaluation and assessment of certificated employees and non-instructional employees; copy to employee; written reaction; discussion of evaluation and assessment (44663). Frequency; areas of employment; unsatisfactory performance; exclusion (44664???)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _**X**_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **October 13 & 14, 2011**

   Name of bargaining unit and representative(s) consulted: **Associated Pomona Teachers, Tyra Weis, President**
   California School Employees Association, Richard Valenzuela, President

   The position(s) of the bargaining unit(s): __ Neutral _**X**_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _**X**__ Other: *(Please specify)* **Notices posted at City of Pomona Library; City of Diamond Bar Library; Pomona Adult/Career Education Facility**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: **N/A**

   Were there any objection(s)? No ___ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
44663(b): In the case of a non-instructional employee, who is employed on a 12-month basis, the evaluation and assessment made pursuant to this article shall be reduced to writing and a copy thereof shall be transmitted to the certificated employee no later than ~~June 30~~ ***October 30*** ~~of~~ ***following*** the year in which the evaluation is made…. Before ~~July 30~~ ***November 30*** of the year in which the evaluation and assessment takes place, a meeting shall be held between the certificated employee and the evaluator to discuss the evaluation and assessment.
44664????

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District is interested in using the results of student and school STAR test results as a factor in school administrator evaluations for 2011-12. The District believes that these data, along with other criteria utilized in administrators' evaluations, are important factors on which administrators' performance should be assessed. Since these test results are not available until after the June 30 (2012) evaluation deadline date identified in EC44663, the District requests through this waiver that the evaluation deadline be extended until October 30 (2012) following the year in which the evaluation is made in order to incorporate the STAR test results (that are not available until September (2012) into the evaluations following that evaluation year (2011-12). Also, the school administrators' will be apprised in a meeting with the evaluator, to be held before November 30 (2011) about the waiver request plan to include the STAR results in the 2011-12 evaluations.

8. Demographic Information:

Pomona Unified School District has a student population of **approximately 27,000** and is located in a**n urban setting** in **Los Angeles** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Superintendent, Pomona Unified School District**	Date: **December 13, 2011**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-31

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by three 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.	☒ **Action**
Waiver Number: Snowline Joint Unified School District 30-3-2012 Modesto City Schools Nutrition Services 36-3-2012 Santa Paula High School District 1-4-2012	☒ **Consent**

RECOMMENDATION

☒ Approval ☐ Approval with conditions ☐ Denial

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers fully meeting the statutory conditions go to the State Board of Education consent calendar.

SUMMARY OF KEY ISSUES

There are three summer school meal waivers requested under authority of the California *Education Code* (EC) Section 49548 to waive *EC* Section 49550 the requirement that meals be served each school day.

School sites operating a summer school session may 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 below have requested a waiver of *EC* Section 49550 for the summer of 2012 and have certified their compliance with all required conditions necessary to obtain a waiver.

The California Department of Education (CDE) has reviewed the waivers 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: Snowline Joint Unified School District Specific Waiver Request 30-3-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Modesto City Schools Nutrition Services Specific Waiver Request 36-3-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Santa Paula High School District Specific Waiver Request 1-4-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Meeting Statutory Waiver Conditions
all Recommended for Approval

Waiver Number	District	School Site	Effective Period of Request(s)	Local Board Approval Date Verified by CDE	Condition Being Met
30-3-2012	Snowline Joint Unified School District	Serrano High School	6-18 through 7-27-2012	4/24/2012	3
36-3-2012	Modesto City Schools Nutrition Services	Thomas Downey High School	6-4 through 6-29-2012	4/9/2012	1
1-4-2012	Santa Paula High School District	Santa Paula High School	6-18 through 7-13-2012	4/11/2012	1

Prepared by the California Department of Education on April 16, 2012

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CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SSM-1 (Rev. 12-12-09) **http://www.cde.ca.gov/re/lr/wr/**
Page 1 of 2

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

SUMMER SCHOOL MEAL WAIVER DISTRICT INFORMATION

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
3	6	7	3	9	5	7

Local educational agency: Snowline joint Unified School District	Contact name and recipient of approval/denial notice: Kim Marksbury	Contact person's e-mail address: Kim_marksbury@snowlineschools.com
Address: (City) (State) (ZIP) P O Box 296000 Phelan CA		Phone (and extension, if necessary): (760) 868-5817 x 7126 Fax number: (760)868 - 1115
Period of request: (Summer Session) From: June 18, 2012 To: July 27, 2012	Local board approval date: (Required) April 24, 2012	

LEGAL CRITERIA

1. **Authority for the waiver:** *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

2. ***Education Code (EC)* Section to be waived:** 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

3. **Desired outcome/rationale.**
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (_1__) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

ATTACH SITE INFORMATION FORM TO COMPLETE WAIVER REQUEST

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date: March 13, 2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SI-1 (Rev. 01/06/09) **http://www.cde.ca.gov/re/lr/wr/**
Page 2 of 2

SUMMER SCHOOL MEAL WAIVER
SITE INFORMATION

Site Name: Serrano High school		
Summer School day at this site begins: 8:00 and ends: 2:00. It is all distant learning, no student will be on campus daily for two hours. Total Time: (Hrs/Min)		
Meal time at this site for the summer session begins: and ends:		
Check which condition below meets your circumstances:		
Condition ONE ☐	Condition TWO ☐	Condition THREE X

Site Name:		
Summer School day at this site begins: and ends: . Total Time: (Hrs/Min)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal. For submission deadlines, see the Waiver Calendar for 2010.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 11, 2010 or April 13, 2010, at the latest.
If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Noel Davis, Program Specialist, Nutrition Services Division, School Nutrition Programs, at 916-322-1641 or by e-mail at ndavis@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SSM-1 (Rev. 01-11-2012) **http://www.cde.ca.gov/re/lr/wr/**
Page 1 of 2

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

SUMMER SCHOOL MEAL WAIVER DISTRICT INFORMATION

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						

Local educational agency:	Contact name and recipient of approval/denial notice:	Contact person's e-mail address:
Modesto City Schools Nutrition Services	Margaret Fernandez	Fernandez.m@monet.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1200 North Carpenter	Modesto	CA	95351	(209) 576-4070 x Fax number: (209) 576 - 4927

Period of request: (Summer School Session)	Local board approval date: (Required)
From: 6-4-12 To: 6-29-12	

LEGAL CRITERIA

1. **Authority for the waiver:** *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

2. ***Education Code (EC)* Section to be waived:** 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

3. **Desired outcome/rationale.**
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (__1_) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

ATTACH SITE INFORMATION FORM TO COMPLETE WAIVER REQUEST

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Criss Atwell, Director, Nutrition Services	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SI-1 (Rev. 01-11-2012) **http://www.cde.ca.gov/re/lr/wr/**

Page 2 of 2

SUMMER SCHOOL MEAL WAIVER
SITE INFORMATION

Site Name: Thomas Downey High School		
Summer School day at this site begins: 6-6-12 and ends: 6-29-12. Total Time: 3.50 hours(Hrs/Min) 8:00 am to 11:30 am		
Meal time at this site for the summer session begins: N/A no meal times		
Check which condition below meets your circumstances:		
Condition ONE XX☐	Condition TWO ☐	Condition THREE ☐

Site Name:		
Summer School day at this site begins: and ends: . Total Time: (Hrs/Min)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SSM-1 (Rev. 01-11-2012) **http://www.cde.ca.gov/re/lr/wr/**
Page 1 of 2

Send original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

SUMMER SCHOOL MEAL WAIVER DISTRICT INFORMATION

Send electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CDS CODE						
5	6	7	2	5	9	5

Local educational agency:	Contact name and recipient of approval/denial notice:	Contact person's e-mail address:
Santa Paula High School District	Donna Rose	drose@spuhsd.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
500 E. Santa Barbara Street	Santa Paula	CA	93060	(805) 525-0988 x 1003 Fax number: (805)525 -6128

Period of request: (Summer School Session)	Local board approval date: (Required)
From: June 18, 2012 To: July 13, 2012	April 11, 2012

LEGAL CRITERIA

1. **Authority for the waiver:** *Education Code (EC)* Section 49548 (a): The State Board of Education, in order to comply with legislation findings expressed in Section 49547, shall restrict the criteria for the issuance of waivers from the requirements of Section 49550 to feed children during a summer school session. A waiver shall be granted for a period not to exceed one year with specific conditions. (New: AB 1392, Statutes of 2005)

2. ***Education Code (EC)* Section to be waived:** 49550 *(whole section)*
Brief description of the topic of the waiver: State Meal Mandate for meals during summer school sessions.
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 school day, except for family day care homes that shall be reimbursed for 75 percent of the meals served.

3. **Desired outcome/rationale.**
Our agency would like to receive a waiver of the requirement to serve meals to students at this year's summer school session for (_one__) school sites. We understand that we must meet one of the three conditions of *EC* 49548(a):

Condition One: There is a Summer Food Service Program for Children (SFSP) within one-half mile (elementary site) or one mile (middle, junior high, or high school) and the SFSP site either: a) begins serving meals one-half hour after the summer session ends, or b) finishes serving meals one hour after the summer session; OR

Condition Two: Serving meals during the summer school session would result in a financial loss (as specifically defined); OR

Condition Three: The site operates summer school days of two hours or less (including breaks and recess).

ATTACH SITE INFORMATION FORM TO COMPLETE WAIVER REQUEST

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SI-1 (Rev. 01-11-2012) **http://www.cde.ca.gov/re/lr/wr/**

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SUMMER SCHOOL MEAL WAIVER
SITE INFORMATION

Site Name: Santa Paula High School		
Summer School day at this site begins: 7:45 am and ends: 11:45 am. Total Time: 4 hrs (Hrs/Min)		
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)		
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)		
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 ☐

For more details on the conditions, please see the California Department of Education (CDE) website at: http://www.cde.ca.gov/re/lr/wr/othertopics.asp#summermeal.

Summer meal waivers must be received by the CDE Waiver Office no later than 30 days prior to the last regular meeting of the State Board of Education (SBE) and before the commencement of the summer school session for which the waiver is sought. Therefore, please have your completed summer school meal waiver into the CDE Waiver Office by February 10, 2012 or April 13, 2012 at the latest.

If you have questions on the waiver form, timeline or process, please call the waiver office at 916-319-0824. If you have questions regarding the attachments to the waiver or how to meet the waiver criteria, please contact Donna Reedy, School Nutrition Programs Analyst, Nutrition Services Division, at 916-327-5866 or by e-mail at dreedy@cde.ca.gov.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board office budget, staffing, appointments, and direction to staff; declaratory and commendatory resolutions; bylaw review and revision; Board policy; approval of minutes; Board liaison reports; training of Board members; and other matters of interest.	☒ **Action** ☒ **Information** ☐ **Public Hearing**

SUMMARY OF THE ISSUE(S)

1. State Board of Education (SBE) Draft Preliminary Report of Actions/Minutes for the March 2012 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 2012 Meeting (Attachment 3)

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

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

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Attachment 1: Acronyms Chart (3 Pages)

Attachment 2: Bylaws for the California State Board of Education, amended July 9, 2003, may be viewed at the following link: *http://www.cde.ca.gov/be/ag/ag/bylawsoct2002.asp*.

Attachment 3: State Board of Education Draft Preliminary Report of Actions/Minutes for the March 2012 Meeting (29 Pages)

ACRONYMS CHART

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

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

ACRONYMS	
SAT 9	Stanford Achievement Test, 9th Edition
SB	Senate Bill
SEA	State Educational Agency
SELPA	Special Education Local Plan Area
SBCP	School Based Coordination Program
SBE	State Board of Education
SSPI	State Superintendent of Public Instruction (Jack O'Connell)
STAR	Standardized Testing and Reporting Program
TDG	Technical Design Group (PSAA Advisory Committee)
USD	Unified School District
UTLA	United Teachers-Los Angeles
WIA	Workforce Investment Act

The State Board of Education posted on October 29, 2010.

CALIFORNIA STATE BOARD OF EDUCATION

Preliminary Report of Actions / Draft Minutes

March 7-8, 2012

Please note that the complete proceedings of the March 7-8, 2012, State Board of Education meeting, including closed-captioning, are available online at: http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp.

Members Present:
Michael W. Kirst, President
Trish Williams, Vice President
Carl Cohn
James Ramos
Patricia A. Rucker
Ilene W. Straus
Caitlin Snell

Members Absent March 7-8:
None

Secretary and Executive Officer
Tom Torlakson, State Superintendent of Public Instruction

Principal Staff
Sue Burr, Executive Director, State Board of Education (SBE)
Patricia de Cos, Deputy Executive Director, SBE
Judy Cias, Chief Counsel, SBE
Camille Esch, Principal Education Policy Consultant, SBE
Jill Rice, Assistant Legal Counsel, SBE
Beth Rice, Education Programs Consultant, SBE
Richard Zeiger, Chief Deputy Superintendent, California Department of Education (CDE) – March 8 only
Deb Sigman, Deputy Superintendent, CDE
Amy Holloway, General Counsel, CDE
Mary Prather, Education Administrator I, CDE

Public Session

January 11, 2012

President Kirst called the meeting to order at approximately 8:40 a.m.

AGENDA ITEMS

Item 1
Subject: STATE BOARD PROJECTS AND PRIORITIES.

ACTION: Member Molina nominated Michael Kirst for the office of State Board President. Member Ramos seconded the nomination. Member Straus nominated Trish Williams for the office of State Board Vice President. Member Cohn seconded the nomination. Member Rucker moved to close the nominations and select the Board officers by acclamation.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

ACTION: Member Cohn moved to approve the Preliminary Report of Actions/Minutes for the January 2012 State Board of Education Meeting. Member Molina seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Report of the Superintendent

State Superintendent of Public Instruction Tom Torlakson provided his report to the Board.

Item 2
Subject: Instructional Quality Commission: Appointment of New Members.

ACTION: Member Straus moved to approve the SBE Screening Committee's recommendations for the appointment of 13 new members to the Instructional Quality Commission, as follows:

Teachers:

- **Kristyn Bennett**, Santa Paula Elementary School District, expertise in Reading and English Language Arts, for a term of 3 years.
- **Jose Dorado**, Los Angeles Unified School District, expertise in English Language Arts and Mathematics, for a term of three years.
- **Angienette Estonina**, San Francisco Unified School District, expertise in English Language Arts and English Language Development, for a term of two years.
- **Lori Freiermuth**, Sweetwater Union High School District, expertise in Mathematics, for a term of two years.
- **Marlene Galvan**, Dinuba Unified School District, expertise in English Language Arts, for a term of two years.
- **Julie Spykerman**, Anaheim Union High School District, expertise in Mathematics and English Language Development, for a term of four years.
- **Lauryn Wild**, San Bernardino City Unified School District, expertise in English Language Arts, for a term of four years that begins January 1, 2013.

Other candidates:

- **Angel Barrett,** Los Angeles Unified School District, expertise in Mathematics, English Language Arts, and English Language Development, for a term of three years.
- **Edward D'Souza**, Rialto Unified School District, expertise in Mathematics, for a term of three years.
- **Louis (Bill) Honig**, expertise in English Language Arts, Mathematics, and History-Social Science, for a term of two years.
- **JoAnn Isken**, Lennox School District, expertise in English Language Arts and English Language Development, for a term of four years.
- **Nancy McTygue,** California History-Social Science Project, University of California, Davis, expertise in History-Social Science, for a term of four years.
- **Socorro Shiels**, Morgan Hill Unified School District, expertise in English Language Development, for a term of four years.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 3
Subject: Update on the Activities of the California Department of Education and State Board of Education Regarding Implementation of Common Core State Standards Systems.

CDE Recommendation:
The California Department of Education (CDE) recommended that the SBE, in partnership with the SSPI, present to the governor and the California State Legislature the CCSS Systems Implementation Plan for California thereby fulfilling the requirements of California *Education Code* Section 60605.8 (h).

ACTION: Member Straus moved to approve the Common Core Implementation Plan for the purpose of moving it forward to the Governor and Legislature as required by statute, with the understanding that there will be continued input from stakeholders and the Instructional Quality Commission in May 2012, and that the SBE will receive an update at its May 2012 meeting.

Member Williams seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 4
Subject: Reauthorization of the Statewide Pupil Assessment System: Development of the State Superintendent of Public Instruction Recommendations.

CDE Recommendation:
The California Department of Education (CDE) recommended that the SBE engage in continued discussion and activities regarding the reauthorization of the statewide pupil assessment system.

ACTION: No action taken.

Item 5
Subject: Supplemental Instructional Materials Review Aligned to the Common Core State Standards: Approval of Reviewers.

CDE Recommendation:
The CDE recommended that the SBE approve the content experts and instructional materials reviewers described in Attachment 1 to Agenda Item 5.

ACTION: Member Cohn moved to approve the CDE's recommended content experts and instructional materials reviewers.

Member Rucker seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 6
Subject: Update on the Activities of the California Department of Education Regarding Development of the English Language Development Standards for California Public Schools, Kindergarten through Grade Twelve.

CDE Recommendation:
The California Department of Education (CDE) recommended that the SBE take no specific action at this time.

ACTION: No action taken.

Item 7
Subject: Elementary and Secondary Education Act: Discussion and Recommendation to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.

CDE Recommendation:
The CDE recommended that the State Board of Education (SBE) seek a state-defined waiver from the ED of the following ESEA provisions: sections 1116(b) and (c) with the exception of sections 1116(b)(13), 1116(c)(1), 1116(c)(2), and 1116(c)(4). The provisions for which a waiver is sought mandate the identification of schools and LEAs for improvement and outline a set of LEA and school sanctions, including mandated set-aside expenditures for SES, choice transportation and Title I professional development. A draft SEA state-defined Waiver Request for the period July 1, 2012, through June 30, 2014, was provided as Attachment 1 to Agenda Item 7.

ACTION: No action taken.

Item 8
Subject: Elementary and Secondary Education Act: (1) Supplemental Educational Services Providers: Approval of Providers to the 2012–14 State Board of Education-Approved Supplemental Educational Services Provider List and a Waiver Request Under Title I, Part A Section 9401 of the Elementary and Secondary Education Act for 2012–14; and (2) School Improvement Grant: Approval of California's Fiscal Year 2011 Continuation Awards Only Funds for the School Improvement Grant authorized under the Elementary and Secondary Education Act Section 1003(g).

CDE Recommendations:

Recommendation 1:

The CDE recommended that the State Board of Education (SBE) approve SES providers from the 2012 SES Request for Applications (RFAs) for a two-year period beginning July 1, 2012, through June 30, 2014. The 2012 SES RFA is based on the final adopted *California Code of Regulations,* Title 5 (5 *CCR*), Section 13075.2. 5 *CCR*, is provided as Attachment 2. The summary and list of the approved providers was provided as Attachment 3.

Recommendation 2:

The CDE recommended that the SBE authorize a request to the ED to waive the ESEA Title I, Part A regulatory provision for the 2012–14 school years that prohibits a state from approving as providers of SES LEAs identified for improvement or corrective action pursuant to 34 *C.F.R.,* Section 200.47(b)(1)(iv)(A) and (B).

The draft letter of waiver request to the ED was provided as Attachment 4, and the CDE recommended that the timing of submission of this waiver request be determined by the Executive Director of the SBE.

School Improvement Grant Recommendation:

The CDE recommends that the SBE authorize the SBE President or designated liaison, along with the State Superintendent of Public Instruction, to approve California's FY 2011 Continuation Awards Only SIG application to the ED. The SEA application document is provided as Attachment 5.

ACTION: Member Cohn moved to approve CDE's Recommendation 1, to approve the list of SES providers for a two-year period beginning July 1, 2012, through June 30, 2014.

Member Rucker seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

ACTION: Member Cohn moved to approve CDE's Recommendation 2, to authorize a request to the ED to waive the ESEA Title I, Part A regulatory provision for the 2012–14 school years that prohibits a state from approving as providers of SES LEAs identified for improvement or corrective action pursuant to 34 *C.F.R.,* Section 200.47(b)(1)(iv)(A) and (B).

Member Rucker seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

ACTION: Member Cohn moved to authorize the SBE President or his designee, along with the Superintendent of Public Instruction, to approve California's Fiscal Year 2011 Continuation Awards Only SIG application to the ED, as recommended by CDE.

Member Rucker seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 9
Subject: Standardized Testing and Reporting Program: Amendment to Educational Testing Service Contract.

CDE Recommendation:
Given there are no additional costs, the CDE recommended that the SBE hear the discussion related to the agreed-upon amendments.

ACTION: Member Rucker moved to approve the CDE's recommendation.

Member Straus seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 10
Subject: California High School Exit Examination: Development of a Streamlined Waiver Policy for Waiving the California High School Exit Examination Requirement for Students with Disabilities.

CDE Recommendation:
The California Department of Education (CDE) recommended that the SBE direct the CDE to develop a State Board of Education streamlined waiver policy to waive the CAHSEE graduation requirement pursuant to the waiver authority granted in *Education Code* (*EC*) Section 56101. CDE would bring a proposed waiver policy to the next SBE meeting for approval. The CDE proposes that the streamlined waiver policy would provide relief to SWDs who have taken the CAHSEE without passing one or both portions, but have demonstrated competency by achieving a scale score on the Standardized Testing and Reporting (STAR) Program's California Standards Test (CST)

or California Modified Assessment (CMA) in English-language arts (ELA) and/or Algebra I that would approximate a passing score on the ELA and/or mathematics portions of the CAHSEE. A streamlined waiver policy would allow waiver requests that meet the policy to be heard by the SBE on its waiver consent calendar.

ACTION: Member Cohn moved to approve CDE's recommendation to direct the CDE to develop a streamlined waiver policy to waive the CAHSEE graduation requirement pursuant to the waiver authority granted in *Education Code* (*EC*) Section 56101.

Member Williams seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 11
Subject: Administration of Epilepsy Medication—Approve the Finding of Emergency and Proposed Emergency Regulations for Additions to the *California Code of Regulations*, Title 5, Sections 620–627.

CDE Recommendation:
The CDE recommended that the State Board of Education (SBE) take the following actions:

- Approve the Finding of Emergency;
- Adopt the proposed Emergency Regulations; and
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the Emergency Regulations to the Office of Administrative Law for approval.

ACTION: Member Williams moved to take the actions recommended by CDE, with the exception that the CPR requirement be removed from the proposed Emergency Regulations and that the notice of proposed emergency action be amended to reflect that edit.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 12
Subject: Administration of Epilepsy Medication—Approve Commencement of the Rulemaking Process for Additions to the *California Code of Regulations*, Title 5, Sections 620–627.

CDE Recommendation:
The CDE recommended that the State Board of Education (SBE) take the following actions:

- Approve the Notice of Proposed Rulemaking;
- Approve the Initial Statement of Reasons;
- Approve the proposed regulations; and
- Direct the CDE to commence the rulemaking process.

ACTION: Member Williams moved to take the actions recommended by CDE with the exception that the CPR requirement be removed from the proposed regulations and that the Notice of Proposed Rulemaking and Initial Statement of Reasons be amended to reflect that edit.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

Item 13
Subject: PUBLIC COMMENT.

ACTION: No action taken.

*** **ADJOURNMENT OF DAY'S SESSION** ***

Public Session
March 8, 2012

President Kirst called the meeting to order at approximately 8:40.

CLOSED SESSION

State Board President Kirst made the following report regarding the Board's Closed Session:

The Board discussed *Emma C., et al. v. Delaine Eastin, et al., USDC (No.Dist.CA), Case No. C-96-4179.*

The Board took action to grant counsel the authority to negotiate and pay legal fees in the matter of *Emma C. et al. v. Delaine Eastin et al*.

AGENDA ITEMS

***** PUBLIC HEARINGS *****

President Kirst began the public hearing at 8:49 and closed the hearing at 8:54.

Item 14
Subject: Dixon Montessori Charter School: Hold a Public Hearing to Consider a Material Revision of the Charter to Increase Enrollment.

CDE Recommendation:
The California Department of Education (CDE) recommended that the SBE hold a public hearing and approve the request to revise the charter petition to increase pupil enrollment from 313 to 432 pupils in grades K–8 with the condition that DMCS continues to make a concerted effort to diversify the student body to reflect the students within the county or district.

Advisory Commission on Charter Schools Recommendation
The Advisory Commission on Charter Schools (ACCS) recommended approval of the material revision request by DMCS.

ACTION: Member Williams moved to approve CDE's recommendation to approve the school's request to revise the charter petition to increase pupil enrollment from 313 to 432 pupils in grades K–8 with the condition that the school continue to make a

concerted effort to diversify the student body to reflect the students within the county or district.

Member Straus seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

President Kirst began the public hearing at 9:04 and closed the hearing at 9:08.

Item 15
Subject: Western Sierra Collegiate Academy: Hold a Public Hearing to Consider a Material Revision of the Charter to Expand Grade Levels Served and Amend Graduation Requirements.

California Department of Education Recommendation
The California Department of Education (CDE) recommended that the SBE hold a public hearing and approve the request to revise the charter petition to expand grade levels served, revise the graduation requirements, and make minor revisions to reflect new laws since the last approval as required by *Education Code* (*EC)* Section 47607(a)(2).

Advisory Commission on Charter Schools Recommendation
The Advisory Commission on Charter Schools (ACCS) recommended approval of the material revision request. The ACCS also recommended that the SBE permit Western Sierra Collegiate Academy (WSCA) to revise its graduation requirements in the future without a material revision to its charter, as long as the graduation requirements meet or exceed the University of California/California State University a-g requirements.

ACTION: Member Williams moved to approve CDE's recommendation to approve the school's request to revise the charter petition to expand grade levels served, revise the graduation requirements, and make minor revisions to reflect new laws since the last approval, and also to approve ACCS's recommendation to permit WSCA to revise its graduation requirements in the future without a material revision to its charter, so as long as the graduation requirements meet or exceed the University of California/California State University a-g requirements.

Member Straus seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

President Kirst began the public hearing at 9:27.

Item 16
Subject: Long Valley Charter School: Consider Issuing a Notice of Violation Pursuant to California *Education Code* Section 47607(d).

CDE Recommendation:
The CDE recommended that the SBE issue a Notice of Violation, draft letter provided as Attachment 1, pursuant *to EC* Section 47607(d) because the CDE believes that LVCS has committed material violations of the conditions, standards, and/or procedures set forth in the charter and has violated *EC* Section 47605(l). Pursuant to *EC* Section 47607(d) and *California Code of Regulations*, Title 5 (5 *CCR*) Section 11968.5.2, the CDE also recommended that LVCS have the opportunity to present evidence that refutes, remedies, or proposes to remedy the alleged violations at the April 11, 2012, meeting of the Advisory Commission on Charter Schools (ACCS). The CDE recommended that the ACCS make a recommendation to the SBE regarding whether, at the May 2012 meeting of the SBE, the SBE should issue a Notice of Intent to Revoke pursuant to *EC* Section 47607(e) to LVCS.

Advisory Commission on Charter Schools Recommendation
The ACCS approved the CDE's recommendation to the SBE that it issue a Notice of Violation, and the ACCS also voted to hold a public hearing to deny the request for material revision.

ACTION: Member Williams moved to approve CDE's and ACCS's recommendation to issue a Notice of Violation at this time, with the condition that the school and the CDE continue to meet and work toward a resolution, and the expectation that the school have an opportunity to appear at the ACCS meeting in April 2012 and the SBE meeting in May 2012 in order to present evidence regarding the alleged violations and/or make a plan to amend the charter petition to address the identified issues.

Member Straus seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

President Kirst began the public hearing at 10:12 and closed the hearing at 10:13.

Item 17
Subject: Recommendations Regarding Revocation of Charter Schools Identified Pursuant to California *Education Code* Section 47604.5 and *California Code of Regulations*, Title 5, Section 11968.5.

CDE Recommendation:
The CDE recommends that the SBE approve the recommended actions as described in Attachment 1 to Agenda Item 17. In summary, the CDE recommends that it continue reviewing the progress of the identified schools and working with the schools' authorizers, and make further recommendations as appropriate in the future.

Advisory Commission on Charter Schools Recommendation
The Advisory Commission on Charter Schools (ACCS) recommended approval of the CDE's staff recommendation.

ACTION: Member Williams moved to approve CDE's recommendation to continue monitoring the identified schools' progress and not submit notices of revocation.

Member Straus seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

***** END OF PUBLIC HEARINGS *****

***** REGULAR CONSENT ITEMS *****

Item 18
Subject: Standardized Testing and Reporting Program: Adoption of California Modified Assessment Performance Level Descriptors for English–Language Arts in Grades Ten and Eleven and Geometry.

CDE Recommendation:
The California Department of Education (CDE) recommends that the State Board of Education (SBE) adopt the State Superintendent of Public Instruction's (SSPI's) proposed PLDs for the California Modified Assessment (CMA) for English–Language Arts (ELA) in grades ten and eleven and geometry for submission to the ED for assessment peer review.

Item 19
Subject: Standardized Testing and Reporting Program: Approval of 2012 School District Apportionment Amounts.

CDE Recommendation:
The California Department of Education (CDE) recommends that the SBE approve the following school district apportionment amounts for STAR Program testing administered during the 2011–12 school year:

- $0.38 for the completion of demographic information for each student not tested with the California Standards Tests (CSTs); the California Modified Assessment (CMA); the Standards-based Tests in Spanish (STS); or the California Alternate Performance Assessment (CAPA)

- $2.52 per tested student for the completion of demographic information and administration of the CSTs, the CMA, or a combination thereof

- $2.52 per tested student for the completion of demographic information and administration of the STS to Spanish-speaking English learners (ELs)

- $5.00 per tested student for the completion of demographic information and administration of the CAPA

Item 20
Subject: Standardized Testing and Reporting Program: Approval of Standards-based Tests in Spanish Proposed Performance Standards Setting for Reading Language Arts in Grades Eight, Nine, Ten, Eleven, and Math, Algebra I and Geometry, and to Conduct the Regional Public Hearings.

CDE Recommendation:
The California Department of Education (CDE) recommends that the SBE approve the State Superintendent of Public Instruction's (SSPI's) proposed performance standards (levels) for the Standards-based Tests in Spanish for RLA in grades eight through eleven, and for STS Algebra I and Geometry.

The CDE also recommends that the SBE direct CDE and SBE staff to conduct regional public hearings on the proposed performance standards (levels) for the STS for RLA in grades eight through eleven, and for STS Algebra I and Geometry to be brought to the SBE in May 2012 for adoption; in compliance with California *EC* Section 60605, which

requires the SBE to adopt statewide performance standards (levels).

Item 21
Subject: California High School Exit Examination Alternative Means: Approve Commencement of the Rulemaking Process for Amendments to the *California Code of Regulations*, Title 5, Section 1216.1.

CDE Recommendation:
The CDE recommends that the SBE take the following actions:

- Approve the Notice of Proposed Rulemaking
- Approve the Initial Statement of Reasons
- Approve the proposed regulations;
- Direct the CDE to commence the rulemaking process.

Item 22
Subject: California High School Exit Examination Alternative Means: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations,* Title 5, Section 1216.1.

CDE Recommendation:
The California Department of Education (CDE) recommends that the SBE take the following actions:

- Approve the Finding of Emergency;

- Adopt the proposed Emergency Regulations; and

- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the Emergency Regulations to the Office of Administrative Law for approval.

Item 23
Subject: Request by **San Diego Unified School District** regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the San Diego Unified School District and Peninsula Young Men's Christian Association (YMCA) to enter into leases and agreements relating to real property and buildings to be used jointly by the District and the Peninsula YMCA.

CDE Recommendation:
The CDE recommends that the SBE approve the San Diego Unified School District's proposal to enter into a joint occupancy agreement with Peninsula Young Men's Christian Association (YMCA) to develop recreation facilities and a community center at Pacific Beach Middle School.

Item 24
Subject: California State Plan 1999–2012 for the Workforce Investment Act, Title II: Adult Education and Family Literacy Act: Extension and Update.

CDE Recommendation:
The CDE recommends that the SBE extend the CSP 1999–2012 for the WIA, Title II: AEFLA for one additional year and approve the proposed performance goals for 2012–13.

Item 25
Subject: Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.

CDE Recommendation:
The CDE recommends that the SBE approve 25 direct-funded charter school LEA Plans as listed in Attachment 1 to Agenda Item 25.

Item 26
Subject: Approval of 2011–12 Consolidated Applications.

CDE Recommendation:
The CDE recommends that the SBE approve the 2011–12 ConApps submitted by LEAs in Attachment 1 to Agenda Item 26.

Item 27
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.

CDE Recommendation
Pursuant to *California Code of Regulations*, Title 5 sections 11963.3, 11963.4, and 11963.6(a), the California Department of Education (CDE) recommends that the SBE approve a determination of funding, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

Item 28
Subject: Assignment of Numbers for Charter School Petitions.

CDE Recommendation:
The CDE recommends that the SBE assign charter numbers to the charter schools identified in Attachment 1 to Agenda Item 28.

ACTION: Member Ramos moved to approve CDE's recommendations on Items18 through 28.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

The motion passed with 8 votes.

***** END OF REGULAR CONSENT ITEMS *****

***** WAIVERS ON CONSENT*****

CHARTER SCHOOL PROGRAM (Attendance Accounting for Multi-Track)
Item W-1
Subject: Request by Escondido Union High School District for Heritage Charter to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school. (2 tracks; 175 to 177 days).
Waiver Number: 51-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

OPEN ENROLLMENT (Removal From the List of LEAs)
Item W-4
Subject: Request by 17 local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701 to remove their schools from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.
Waiver Number: List of schools attached
OPEN ENROLLMENT (Removal From the List of LEAs)

PHYSICAL EDUCATION PROGRAM (Block Schedules)
Item W-6
Subject: Request by Santa Barbara Unified School District for a renewal to waive portions of California *Education Code* Section 51222(a), the statutory minimum of 400 minutes of physical education required each ten days for students in grades seven through twelve in order to implement a block schedule at San Marcos High School.
Waiver Number: 32-12-2011
(Recommended for APPROVAL) *EC* 33051(b) will apply
FEDERAL PROGRAM WAIVER (Carl D. Perkins Voc and Tech Ed Act)

Item W-7
Subject: Request by Willits Unified School District for Willits High School for a waiver of Section 131(c)(1) of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Public Law 109-270).
Waiver Number: Fed-71-2011
(Recommended for APPROVAL)

SPECIAL EDUCATION PROGRAM (Algebra I Requirement for Graduation)
Item W-8
Subject: Request by Menifee Union Elementary School District to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2011-12 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation, for two special education student based on *Education Code* Section 56101, the special education waiver authority.
Waiver Number: 12-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Resource Teacher Caseload)
Item W-9
Subject: Request by two local education 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 district's resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).
Waiver Numbers: Sierra Sands Unified School District 1-11-2011
South Monterey County Joint Union 36-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

STATE TESTING APPORTIONMENT REPORT (CELDT)
Item W-10
Subject: Request by San Juan Unified School District to waive the State Testing Apportionment Information Report deadline of December 31 in the *California Code of Regulations*, Title 5, Section11517.5(b)(1)(A) regarding the Califonia English Language Development Test.
Waiver Number: 14-11-2011
(Recommended for APPROVAL)

INSTRUCTIONAL MATERIALS FUNDING REALIGNMENT PROGRAM (IMFRP)
(Purchasing Order and Timelines)
Item W-11
Subject: Request by Tehama County Office of Education under the authority of California *Education Code* Section 41344.3 to waive *Education Code* Section 60119 and the resulting audit penalty of $6,306 regarding the annual public hearing and board resolution on the availability of textbooks and instructional materials for fiscal year 2010–11. Tehama County Office of Education held its hearing on June 29, 2011 rather than within eight weeks from the start of the school year.
Waiver Number: 33-11-2011
(Recommended for APPROVAL)

OUT-OF-STATE USE OF FUNDS AND TRANSPORTATION ALLOWANCES
(Out-of-State Use of Funds and Transportation Allowances)
Item W-12
Subject: Request by Johnstonville 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 travel to Oregon and Nevada to attend curricular and extracurricular trips/events and competitions.
Waiver Number: 56-12-2011
(Recommended for APPROVAL WITH CONDITIONS) *EC* 33051(b) will apply

SALE OR LEASE OF SURPLUS PROPERTY (Lease of Surplus Property)
Item W-13
Subject: Request by Santee Elementary School District for a renewal to waive portions of California *Education Code* sections 17455, 17466, 17472, and 17475 and all of 17473 and 17474, specific statutory provisions for the lease of surplus property. Approval of the waiver would allow the District to lease a piece of property using a "request for proposal process", thereby maximizing the proceeds from the lease of the former Santee School site (now unused property, buildings on the site have been demolished).
Waiver Number: 64-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL CONSTRUCTION BONDS (Bond Indebtedness Limit - Unified after 2000)
Item W-14
Subject: Request by three districts to waive one or more of the following California *Education Code* sections related to bonded indebtedness limits: Sections 15102, 15106, 15268, and 15270(a). Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for high school and elementary school districts or 2.5 percent for unified school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for high school and elementary school districts or $60 per $100,000 for unified districts, may also apply.
Waiver Number: Hawthorne School District 29-10-2011
Folsom Cordova Unified School District 80-12-2011
San Ysidro Elementary District 62-12-2011
(Recommended for APPROVAL WITH CONDITIONS)
NOTE: Waiver Request 79-12-2011, for the Folsom Cordova Unified School District, was withdrawn by the district.

SCHOOL CONSTRUCTION BONDS (Citizens Oversight Comittee - Term Limits)
Item W-15
Subject: Request by Oxnard School District to waive portions of the California *Education Code* Section 15282, relating to term limits for members of a Citizens' Oversight Committee for all construction bonds in the district.
Waiver Number: 7-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)
Item W-16
Subject: Request by nine districts to waive California *Education Code* Section 5020 and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.
Waiver Numbers: Alta Vista Elementary 40-12-2011
Armona Union Elementary 37-11-2011
Escondido Union 25-12-2011
Los Banos Unified 33-12-2011
San Jacinto Unified 50-12-2011
Selma Unified 77-12-2011
Sundale Union Elementary 8-11-2011
Turlock Unified 73-12-2011
Woodland Joint Unified 42-12-2011
(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Lapsation of a Small District)
Item W-18
Subject: Request by Bend Elementary School District to waive California *Education Code* Section 35786 and portions of *Education Code* sections 35534, 35780, and 35782, regarding district lapsation and date of effectiveness of lapsation.
Waiver Number: 60-10-2011
(Recommended for APPROVAL)

SCHOOL DISTRICT REORGANIZATION (Size of Governing Board)
Item W-19
Subject: Request by Sonoma County Office of Education to waive California *Education Code* Section1004 that requires an election to reduce the number of governing board members from seven to five.
Waiver Number: 1-12-2011
(Recommended for APPROVAL)

SCHOOLSITE COUNCIL STATUTE (Shared Schoolsite Council)
Item W-20
Subject: Request by eleven 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 Number: Big Lagoon Union Elementary 11-12-2011
Caliente Union Elementary 35-11-2011
Caruthers Unified 36-11-2011
Fontana Unified 2-11-2011
Fontana Unified 3-11-2011
French Gulch-Whiskeytown Elementary 59-12-2011
Happy Camp Union Elementary 57-12-2011
Los Angeles County Office of Education 6-11-2011

Maple Creek Elementary 74-12-2011
Mountain Valley Unified 35-12-2011
Mountain Valley Unified 36-12-2011
Peninsula Union 75-12-2011
San Diego County Office of Education 52-12-2011
San Diego County Office of Education 53-12-2011
San Diego County Office of Education 54-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Educational Interpreter for Deaf and Hard of Hearing)
Item W-21
Subject Request by two local educational agencies to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow two educational interpreters to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.
Waiver Number: Kings County Office of Education 7-11-2011
Imperial County Office of Education 34-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Educational Interpreter for Deaf and Hard of Hearing)
Item W-22
Subject: Request by Kings County Office of Education to waive *California Code of Regulations*, Title 5, Section 3051.16(b)(3), the requirement that educational interpreters for deaf and hard of hearing pupils meet minimum qualifications as of July 1, 2009, to allow Amanda Edmondson to continue to provide services to students until June 30, 2012, under a remediation plan to complete those minimum qualifications.
Waiver Number: 9-11-2011
(Recommended for DENIAL)

ACTION: Member Ramos moved to approve the CDE's recommendations, with conditions as applicable, on Waiver Items W-1, W-4, W-6 through W-16, and W-18 through W-22.

Member Molina seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

The motion passed with 8 votes.

NOTE: The following action (non-consent) waiver items were heard at this point in the meeting, but are listed below with the other waivers not on consent: W-2, W-3, W-6 through W-12, W-15, W-16, and W-18 through W-22.

Member Rucker recused herself from discussion of the following waivers on consent.

CLASS SIZE PENALTIES (Over Limit on Grades K-3)
Item W-26
Subject: Request by two districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.
Waiver Numbers: Little Lake City School District 31-11-2011
Oakley Elementary School District 86-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

CLASS SIZE PENALTIES (Over Limit on Grades 4-8)
Item W-27
Subject: Request by seven districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average.
Waiver Numbers: Oakley Union Elementary 87-12-2011
Napa Valley Unified 55-10-2011
Nevada City Elementary 61-12-2011
Newhall School 43-10-2011
Merced City Elementary 66-12-2011
Poway Unified 34-10-2011
Temecula Valley Unified 41-10-2011
(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Class Size Reduction Requirements)
Item W-28
Subject: Request by seven local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act.
Waiver Number: Meadows Union Elementary 17-12-2011
Meadows Union Elementary 18-12-2011
Mendota Unified 38-11-2011
Mt. Diablo Unified 88-12-2011
Oxnard 13-12-2011
Pittsburg Unified 58-12-2011
Placentia-Yorba Linda Unified 4-11-2011

Salinas City Elementary 69-12-2011
Salinas City Elementary 70-12-2011
Salinas City Elementary 72-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

QUALITY EDUCATION INVESTMENT ACT (Teacher Experience Index)
Item W-29
Subject: Request by Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act.
Waiver Number(s): Greenfield Union Elementary 76-12-2011
Mountain Empire Unified 39-12-2011
Salinas City Elementary 89-12-2011
Salinas City Elementary 90-12-2011
Salinas City Elementary 91-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Straus moved to approve the CDE's recommendations, with conditions as applicable, on Waiver Items W-26 through W-29.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, and Snell.

No votes: None.

Recused: Member Rucker.

The motion passed with 7 votes.

***** END OF WAIVERS ON CONSENT*****

***** WAIVERS NOT ON CONSENT*****

Item W-2
Subject: Request by three school districts to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow attendance at their charter schools to be calculated as if they were regular multi-track schools.
Waiver Numbers: Lakeside Union 84-12-2011
Los Angeles Unified 67-12-2011
San Bernardino City Unified 26-12-2011
(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Williams moved to approve the waiver requests with the recommended conditions listed in the Agenda Item, except for condition 6.

Member Ramos seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, and Snell.

No votes: None.

Abstained: Member Rucker.

Absent: None.

The motion passed with 7 votes.

CHARTER SCHOOL PROGRAM (Attendance Accounting for Multi-Track)
Item W-3
Subject: Request by two county offices of education and seven school districts to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school (5 tracks; 175 days).
Waiver Numbers: Antelope Valley Union High 11-1-2012
Dehesa Elementary 12-1-2012
Fresno County Office of Education 10-1-2012
Julian Union Elementary 13-1-2012
Palmdale Elementary 7-1-2012
Stone Corral Elementary 8-1-2012
Ventura County Office of Education 33-8-2011
Westside Elementary 9-1-2012
William S. Hart Unified High 14-1-2012
(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Williams moved to approve the waiver requests with the recommended conditions listed in the Agenda Item, except for condition 6.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, and Snell.

No votes: None.

Abstained: Member Rucker.

Absent: None.

The motion passed with 7 votes.

Item W-5
Subject: Request by nine local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701 to remove their schools from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year.
Waiver Numbers: Caruthers Unified 37-12-2011
Evergreen 3-12-2011
Fortuna Union Elementary 32-11-2011
Fowler Unified 2-12-2011
Grass Valley Elementary 41-12-2011
Newhall 85-12-2011
Savanna Elementary 10-11-2011
Yucaipa-Calimesa Joint Unified 15-11-2011
Yucaipa-Calimesa Joint Unified 28-12-2011

(Recommended for APPROVAL WITH CONDITIONS)

ACTION: Member Cohn moved to approve CDE's recommendation to approve the waiver requests with conditions.

Member Molina seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, and Snell.

No votes: Members Kirst, Williams, and Rucker.

Absent: None.

With only 5 votes, the motion did not pass. Because the Board took no action, the waiver requests will return to the Board at its next meeting in May 2012.

SCHOOL DISTRICT REORGANIZATION (Elimination of Election Requirement)
Item W-17
Subject: Request by two districts to waive California *Education Code* Section 5020 and portions of sections 5019, 5021, and 5030, that require a district-wide election to establish new trustee areas.
Waiver Numbers: Livingston Union Elementary 9-12-2011
Perris Union High 10-12-2011
(Recommended for APPROVAL)

ACTION: Member Cohn moved to approve the waiver requests.

Member Straus seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

This item was withdrawn by the Santa Clara County Office of Education:

OTHER WAIVERS (COE Superintendent - Administrative Credential)
Item W-23
Subject: Request by Santa Clara County Office of Education to waive *Education Code* sections 1206 and 1208, the requirement that a county superintendent must possess an administrative credential as a condition of holding the superintendent position.
Waiver Number: 46-12-2011
(Recommended for DENIAL)

PRINCIPAL EVALUATION AND ASSESSMENT (Extend Timeline of Evaluation)
Item W-24
Subject: Request by Westminster School District to waive California *Education Code* Section 44663(b) evaluation dates of June 30 and July 30 for non-instructional certificated employees so that Standardized Testing and Reporting test results for the year may be included in the evaluation criteria for those management employees.
Waiver Number: 63-12-2011
(Recommended for DENIAL)

ACTION: Member Williams moved to approve the waiver request, with the condition that Standardized Testing and Reporting test results not be used for any adverse personnel action.

Member Rucker seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, Snell, and Rucker.

No votes: None.

Absent: None.

The motion passed with 8 votes.

ACADEMIC PERFORMANCE INDEX (API) SCORE WAIVER (Test Takers Less Than 85 Percent)
Item W-25
Request by Stockton Unified School District to waive a portion of *California Code of Regulations,* Title 5, Section 1032(d)(5); the 85 percent requirement of test takers for the California Standards Test in Life Science in grade ten to allow Stockton Unified Early College Academy to be given a valid Growth Academic Performance Index for 2010–11.
Waiver Number: 59-10-2011
(Recommended for DENIAL)

ACTION: Member Rucker moved to deny the waiver request.

There was no second to the motion, so the motion died.

ACTION: Member Straus moved to approve the waiver request.

Member Cohn seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Straus, Kirst, Williams, and Snell.

No votes: Member Rucker.

Absent: None.

The motion passed with 7 votes.

NOTE: Waiver consent items W-26 through W-29 were heard at this point in the meeting, but are listed above with the other waiver consent items.

Member Rucker recused herself from discussion of this waiver item:

QUALITY EDUCATION INVESTMENT ACT (API Growth Target)
Item W-30
Subject: Request by five local educational agencies to waive portions of California *Education Code* Section 52055.740(a)(5), regarding the Academic Performance Index under the Quality Education Investment Act.
Waiver Numbers: Greenfield Union Elementary 92-12-2011
Marysville Joint Unified 15-12-2011
Mountain Empire Unified 38-12-2011
Oxnard 8-12-2011
Oxnard 14-12-2011
Stockton Unified 43-12-2011

Stockton Unified 44-12-2011
Stockton Unified 45-12-2011
Stockton Unified 47-12-2011
Stockton Unified 48-12-2011
(Recommended for DENIAL)

ACTION: Member Cohn moved to deny the waiver requests.

Member Williams seconded the motion.

Yes votes: Members Ramos, Molina, Cohn, Kirst, Williams, and Snell.

No votes: None.

Recused: Member Rucker.

Absent: Member Straus.

The motion passed with 6 votes.

Member Rucker recused herself from discussion of this waiver item:

QUALITY EDUCATION INVESTMENT ACT (API Growth Target)
Item W-31
Subject: Request by Grossmont Union High School District to waive portions of California *Education Code* Section 52055.760(c)(3), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act.
Waiver Number: 55-12-2011
(Recommended for DENIAL)

ACTION: No action taken. The waiver request will return to the Board at its May 2012 meeting.

***** END OF WAIVERS NOT ON CONSENT *****

*** **ADJOURNMENT OF MEETING *****

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Discussion and Possible Recommendation to Waive Selected Provisions of the Elementary and Secondary Education Act Pursuant to Section 9401.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

This item provides an overview of issues and stakeholder discussions to inform the State Board of Education (SBE) regarding a potential waiver of selected provisions of the Elementary and Secondary Education Act (ESEA) pursuant to Section 9401.

As described in both the April 8, 2008, Federal Register Web document located on the U.S. Department of Education (ED) Web site at http://www2.ed.gov/legislation/FedRegister/other/2008-2/040808a.html (Outside Source), and the February 10, 2012, ESEA Flexibility Request Web document located on the ED Web site at http://www.ed.gov/sites/default/files/esea-flexibility-request.doc (Outside Source), State Educational Agencies (SEAs) may seek a waiver of ESEA at any time in order to improve student academic achievement and increase the quality of instruction.

This item continues the discussion about a possible request for a waiver of selected ESEA Provisions in exchange for commensurate SEA, local educational agency (LEA), and school actions on behalf of Title I students.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE take action as deemed necessary and appropriate.

BRIEF HISTORY OF KEY ISSUES

On numerous occasions over the past year, the California SEA, LEA superintendents, and associated educational stakeholders have discussed various approaches to providing California LEAs with waiver relief from acknowledged out-of-date provisions of ESEA. No consensus has arisen about the best approach to providing this relief.

BRIEF HISTORY OF KEY ISSUES (Cont.)

In March 2012, the state considered an initial request to waive a limited set of provisions which would remove the improvement labels and sanctioning provisions in exchange for local identification of how newly available Title I resources would be reallocated to support Title I students. However, concerns were expressed about whether the exchange for this waiver proposed in the March 2012 SBE item would be sufficient to meet the federal approval threshold.

Before the May 2012 SBE meeting, the CDE, in collaboration with the California Comprehensive Center (CACC) at WestEd, conducted a meeting with stakeholder organizations to help advise the SBE about these issues. The Elementary and Secondary Education Act Stakeholder Meeting Summary will be provided as Attachment 1 in an Item Addendum.

Key issues that will frame our discussions about the March SBE ESEA Section 9401 Waiver proposal include:

- How can California frame an accountability system that considers academic performance over time, includes challenging yet reasonable goals, and accommodates other outcome measures as they are developed?

- How should the SEA hold LEAs accountable for supporting underperforming schools?

- What are appropriate interventions for underperforming schools? When, how, and by whom should these interventions be undertaken?

A proposed revised Waiver of Provisions of Section 1116(b) and (c) of the Elementary and Secondary Education Act, Pursuant to Section 9401 will be provided as Attachment 2 in an Item Addendum.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its March 2012 meeting, the SBE evaluated the requirements and implications of seeking a waiver under ESEA Section 9401 and reviewed a waiver proposal to waive ESEA sections 1116(b) and (c) with the exception of sections 1116(b)(13), 1116(c)(1), 1116(c)(2), and 1116(c)(4). The proposed provisions for waiver mandate the identification of schools and LEAs for improvement, outline a set of LEA and school sanctions, and mandate set-aside expenditures for supplemental educational services (SES), choice transportation, and Title I professional development. In exchange, CDE proposed that Title I LEAs:

- Re-direct Title I funds made available by the waiver to address student needs based on student achievement and school and district program evaluation evidence

SUMMARY OF PREVIOUS (Cont.)

- Amend existing LEA and school plans to describe how reallocated funds would be used to support identified student needs, while continuing to comply with other Title I, Part A statutory and regulatory obligations

Concerns about this proposal were articulated in the Summary of Stakeholder Meeting ESEA Waiver Possibilities and Elementary Secondary Education Act – California Waiver Stakeholder Forum Presentation Slides dated March 2, 2012, as prepared by the CACC at WestEd, Web document located on the SBE Web site at http://www.cde.ca.gov/be/ag/ag/yr12/documents/mar12item07presentation.pdf.

As documented in the Summary, participants expressed support for a waiver request that would:

- Eliminate the goal that all students reach proficiency by the end of the 2013–14 school year

- Eliminate the requirement to identify schools and districts failing to meet targets as in need of improvement and the related programmatic requirements

- Grant flexibility as to how the state identifies highly qualified teachers, especially in small and rural school districts

- Allow greater flexibility in the use of ESEA funds, including the currently required set-asides for SES, choice transportation, and Title I professional development

Concern was expressed that the CDE's March proposal to the SBE was not bold enough in describing California's position and the many initiatives currently under way that align with ED priorities. In addition, participants felt that the proposal needed to provide more detail about how, if granted, the state-defined waiver would "increase the quality of instruction for students; and improve the academic achievement of students." Further, participants felt that California's state-defined waiver should:

- Emphasize that the state has adopted the Common Core State Standards and is engaged in early district implementation activities

- Point out that California is a governing member and an active participant of the SMARTER Balanced Assessment consortium

At its March 2012 meeting, the SBE took no action on Item 7.

FISCAL ANALYSIS

The LEA fiscal impact of the state-defined waiver was described in Item 7 of the SBE March 2012 Agenda, available on the SBE Meeting for March 2012 Web page at http://www.cde.ca.gov/be/ag/ag/main201203.asp.

The SEA state operations impact of a federal waiver request was described in SBE Item 4 of the SBE January 2012 Agenda, available on the SBE Meeting for January 2012 Web page at http://www.cde.ca.gov/be/ag/ag/main201201.asp.

The LEA fiscal impact of the Secretary's full ESEA waiver package was described in Item 5 of the SBE November 2011 Agenda, available on the SBE Meeting for November 2011 Web page at http://www.cde.ca.gov/be/ag/ag/main201111.asp.

ATTACHMENT(S)

Attachment 1: The Elementary and Secondary Education Act Stakeholder Meeting Summary will be provided in an Item Addendum.

Attachment 2: The proposed revised Waiver of Provisions of Section 1116(b) and (c) of the Elementary and Secondary Education Act, Pursuant to Section 9401 will be provided in an Item Addendum.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
California High School Exit Examination: Adoption of the Streamlined Waiver Policy for Waiving the California High School Exit Examination Requirement for Eligible Students with Disabilities.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) directed the California Department of Education (CDE) to develop a SBE streamlined waiver policy to waive the California High School Exit Examination (CAHSEE) graduation requirement pursuant to the waiver authority granted in California *Education Code* (*EC*) Section 56101.

RECOMMENDATION

The CDE recommends that the SBE adopt a streamlined waiver policy for requests by local educational agencies (LEAs) or special education local plan areas (SELPAs) on behalf of eligible students with disabilities (SWDs) to waive *EC* Section 60851 requiring all students to satisfy the CAHSEE requirement as a condition of receiving a diploma of graduation or a condition of graduation from high school.

BRIEF HISTORY OF KEY ISSUES

All California public school students must satisfy the CAHSEE requirement, as well as all other state and local requirements, to receive a high school diploma. All eligible SWDs may satisfy the CAHSEE requirement by passing the examination pursuant to *EC* Section 60851(a), receiving a local waiver pursuant to *EC* Section 60851(c), or qualifying for the exemption under *EC* Section 60852.3.

In order to provide relief until alternative means can be implemented, the SBE, at its March 2012 meeting, directed the CDE to develop a waiver policy for processing specific waiver requests by LEAs or SELPAs under *EC* Section 56101 on behalf of eligible SWDs to waive the requirement to pass the CAHSEE as a condition of receiving a high school diploma.

BRIEF HISTORY OF KEY ISSUES (CONT.)

The proposed specific waiver policy would provide another option for eligible SWDs to satisfy the CAHSEE requirement. Specifically, the SBE is authorized under *EC* Section 56101 to grant waivers that are deemed "…necessary or beneficial to the content and implementation of the pupil's individualized education program or compliance by a local educational agency with federal mandates for a free appropriate public education for children or youth with disabilities." Waivers submitted under this policy require SBE approval, but could be processed as SBE Waiver Consent Calendar items based on criteria described below. Relevant sections of the California *Education Code* are provided in Attachment 1.

Proposed Criteria for Meeting Proposed Waiver Policy and Waiving the CAHSEE Requirement

Specific Waiver Requests for a Waiver of CAHSEE Requirements for Eligible Students with Disabilities pursuant to *EC* Section 56101 may be made by LEAs or SELPAs on behalf of any eligible SWD who:

- Has an operative IEP adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) that indicates that the eligible SWD has an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2012;

- Has not passed the CAHSEE;

- Has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2012;

- Has attempted to pass both portions of the CAHSEE (i.e., English language arts and mathematics) at least once, with the accommodations or modifications, if any, specified in the student's IEP or Section 504 plan; and

- Has attained a performance level scale score of 300 (Basic) or above on the Standardized Testing and Reporting (STAR) Program California Standards Test (CST) in English language arts (ELA) grade ten or Algebra I without the use of a modification, or a scale score of 350 (Proficient) or above on the California Modified Assessment (CMA) in ELA grade ten or Algebra I.

Pursuant to *EC* Section 60851(b), all SWDs shall take the CAHSEE in grade ten for the purposes of fulfilling the accountability requirements of the federal Elementary and Secondary Education Act.

BRIEF HISTORY OF KEY ISSUES (CONT.)

An LEA or SELPA may submit a Specific CAHSEE Waiver request to the SBE on behalf of one or multiple numbers of eligible SWDs in a single application, by completing the Specific Waiver Request form for a waiver of the CAHSEE requirements for eligible SWDs and submitting the form and specified documentation. If approved by the SBE, the waiver form (Attachment 2) and directions (Attachment 3) will be posted to the CDE's Waivers Hot Topics Web page located at http://www.cde.ca.gov/re/lr/wr/hottopics.asp. Required documentation includes but is not limited to, copies of student score reports for each student, demonstrating achievement of a scale score of 300 in ELA grade ten or Algebra I on the CST or 350 on the CMA in ELA grade ten or Algebra I.

Specific CAHSEE Waiver requests that fulfill these requirements will be scheduled for SBE consideration on the Waiver Consent Calendar at the next available SBE meeting.

Attachment 4 displays a draft of the proposed California State Board of Education Specific Waiver Request Policy.

In January 2012, the CDE provided the Advisory Commission on Special Education (ACSE) with the results of statistical analyses linking the CAHSEE and the California Standardized Tests (CSTs) and the California Modified Assessment (CMA). The CDE reported the same results to the SBE at its March 2012 board meeting.

The CDE recommendations are based upon the assumption the content assessed in the CSTs and the CMA are comparable to that in the CAHSEE. The test blueprints and specifications for the CAHSEE ELA and the tenth grade CSTs ELA have a significant overlap to the state standards being assessed, which means it is reasonable to assume that these assessments are measuring much of the same construct.

On the other hand, the comparability of content between the CAHSEE mathematics test and the CMA and CST Algebra I assessments is not as well supported. The CAHSEE mathematics test is comprised of 15 percent of the test questions covering Algebra I with the remainder of the test covering sixth and seventh grade standards. At most, 64 percent of the CAHSEE mathematics can be seen as linked to performance in Algebra I. The recommended cut-scores for Algebra I are adjusted to assure that students meeting the CAHSEE mathematics requirement using the CMA or CST Algebra I scores have sufficient knowledge of mathematics to pass the CAHSEE.

The CDE made the following recommendations from the results of the linking analysis:

- CSTs ELA and Algebra I cut scores for the SBE Streamlined Waiver for the CAHSEE Requirement to be at a scaled score of 300 (i.e., basic performance level).

- The CDE recommended the CMA ELA and Algebra I cut scores for the SBE Streamlined Waiver for the CAHSEE Requirement to be at a scaled score of 350 (i.e., proficient performance level).

BRIEF HISTORY OF KEY ISSUES (CONT.)

The test items, the scaling, and the performance levels on the CMAs are designed to help SWDs demonstrate what they know. As such, CMA scores and performance levels that represent alternative scale scores for passage of the CAHSEE will not be the same as the scores and performance levels on the CSTs.

On March 22, 2012, the ACSE voted to recommend CST and CMA cut scores to be used for the Streamlined Waiver of the CAHSEE requirement. The ACSE voted to support the CDE's ELA CST and CMA cut scores of 300 and 350, respectively. However, the commission recommended Algebra I CST and CMA cut scores of 269 and 331, respectively, the lowest estimates of the cut scores reported by CDE. These differ from the CDE recommendations of 300 and 350 for CST and CMA Algebra I scores. The CDE does not support the ACSE-recommended cut scores as they may not ensure that students have sufficient knowledge of mathematics to pass the CAHSEE. Table 1 displays a comparison of the CDE and ACSE cut score recommendations for the SBE Streamlined Waiver of the CAHSEE Requirement.

Table 1.
Comparison of Recommended Cut Scores for the SBE Streamlined Waiver of the CAHSEE Requirement

Assessment	Advisory Commission on Special Education Recommended Cut Score	California Department of Education Recommended Cut Score
CMA ELA Grade 10	350	350
CMA Algebra I	331	350
CST ELA Grade 10	300	300
CST Algebra I	269	300

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In March 2012, the SBE directed the CDE to develop a waiver policy for processing specific waiver requests by LEAs or SELPAs under *EC* Section 56101 on behalf of eligible SWDs to waive the requirement to pass the CAHSEE. The SBE has not yet implemented an alternative means to the CAHSEE for eligible SWDs because the two-tiered alternative means process under consideration is not implementable at this time.

FISCAL ANALYSIS (AS APPROPRIATE)

Some costs may be incurred for the implementation of a streamlined waiver process for waiving the CAHSEE requirement for eligible SWDs. The current CAHSEE budget for CDE would be able to absorb these costs.

ATTACHMENT(S)

Attachment 1: Relevant California Education Code Sections (3 pages)

Attachment 2: Specific Waiver Request of the California High School Exit Examination Requirements for Eligible Pupils with Disabilities (1 page)

Attachment 3: Special Education CAHSEE Waiver Documentation (1 page)

Attachment 4: Draft - California State Board of Education Policy (2 pages)

Relevant California *Education Code* Sections

Section 56101

(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or to the compliance of a district, special education local plan area, or county office with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and federal regulations relating thereto.

(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities .

Section 60851

(a) Commencing with the 2003-04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Funding for the administration of the high school exit examination shall be provided for in the annual Budget Act. The Superintendent shall apportion funds appropriated for this purpose to enable school districts to meet the requirements of this subdivision and subdivisions (b), (c), and (d). The state board shall establish the amount of funding to be apportioned per test administered, based on a review of the cost per test.

(b) Each pupil shall take the high school exit examination in grade 10 beginning in the 2001-02 school year and may take the examination during each subsequent administration, until each section of the examination has been passed.

(c) (1) At the parent or guardian's request, a school principal shall submit a request for a waiver of the requirement to successfully pass the high school exit examination to the governing board of the school district for a pupil with a disability who has taken the high school exit examination with modifications that alter what the test measures and has received the equivalent of a passing score on one or both subject matter parts of the high school exit examination. A governing board of a school district may waive the requirement to successfully pass one or both subject matter parts of the high school exit examination for a pupil with a disability if the principal certifies to the governing board of the school district that the pupil has all of the following:

(A) An individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec.1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place that requires the accommodations or modifications to be provided to the pupil when taking the high school exit examination.

(B) Sufficient high school level coursework either satisfactorily completed or in progress in a high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the high school exit examination.

(C) An individual score report for the pupil showing that the pupil has received the equivalent of a passing score on the high school exit examination while using a modification that fundamentally alters what the high school exit examination measures as determined by the state board.

(2) A school district shall report to the state board, in a manner and by a date determined by the Superintendent, the number and characteristics of waivers reviewed, granted, and denied under this subdivision and any additional information determined to be in furtherance of this subdivision.

(d) The high school exit examination shall be offered in each public school and state special school that provides instruction in grades 10, 11, or 12, on the dates designated by the Superintendent. An exit examination may not be administered on any date other than those designated by the Superintendent as examination days or makeup days.

(e) The results of the high school exit examination shall be provided to each pupil taking the examination within eight weeks of the examination administration and in time for the pupil to take any section of the examination not passed at the next administration. A pupil shall take again only those parts of the examination he or she has not previously passed and may not retake any portion of the exit examination that he or she has previously passed.

(f) Supplemental instruction shall be provided to any pupil who does not demonstrate sufficient progress toward passing the high school exit examination. To the extent that school districts have aligned their curriculum with the state academic content standards adopted by the state board, the curriculum for supplemental instruction shall reflect those standards and shall be designed to assist the pupils to succeed on the high school exit examination. This chapter does not require the provision of supplemental services using resources that are not regularly available to a school or school district, including summer school instruction provided pursuant to Section 37252. In no event shall any action taken as a result of this subdivision cause or require reimbursement by the Commission on State Mandates. Sufficient progress shall be determined on the basis of either of the following:

(1) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 and the minimum levels of proficiency recommended by the state board pursuant to Section 60648.

(2) The grades of the pupil and other indicators of academic achievement designated by the school district.

Section 60852.3

(a) Notwithstanding any other provision of law, commencing with the 2009-10 school year, an eligible pupil with a disability is not required to pass the high school exit examination established pursuant to Section 60850 as a condition of receiving a diploma of graduation or as a condition of graduation from high school.

(b) This exemption shall last until the state board, pursuant to Section 60852.1, makes a determination that the alternative means by which an eligible pupil with disabilities may demonstrate the same level of academic achievement in the portions of, or those content standards required for passage of, the high school exit examination are not feasible or that the alternative means are implemented.

(c) For the purposes of this section, an eligible pupil with a disability is a pupil with an individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) that indicates the pupil is scheduled to receive a high school diploma, and that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma, on or after July 1, 2009.

(d) A local educational agency, as defined in Section 56026.3, shall not adopt an individualized education program pursuant to the federal Individuals with Disabilities Education Act or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 for a pupil for the sole purpose of exempting the pupil from the requirement to pass the high school exit examination as a condition of receiving a high school diploma, unless that adoption is consistent with federal law.

(e) Pursuant to subdivision (b) of Section 60851, pupils with exceptional needs shall take the high school exit examination in grade 10 for purposes of fulfilling the requirements of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114).

CALIFORNIA DEPARTMENT OF EDUCATION **DRAFT-Waiver of California High School Exit Examination**

SPECIFIC WAIVER REQUEST

Requirement for Eligible Pupils with Disabilities

CAHSEE–1 (Rev. 05–2012) http://www.cde.ca.gov/re/lr/wr/

Send Original to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send electronic copy in **Word** and
back-up material to: waiver@cde.ca.gov

CDS CODE						

Local educational agency:	Contact name and recipient of approval/denial notice:	Contact person's e-mail address:
Address: (City) (State) (ZIP)		Phone (and extension, if necessary): Fax number:
Period of request: (month/day/year) From: To:	Local board approval date **or** SELPA signature date (required)	

LEGAL CRITERIA

1. Authority for the waiver: X Specific code section: ***EC* 56101**
56101(a) Any district, special education local plan area, county office, or public education agency, as defined in Section 56500, may request the board to grant a waiver of any provision of this code or regulations adopted pursuant to that provision if the waiver is necessary or beneficial to the content and implementation of the pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs and their parents or guardians under…(IDEA or Section 504 of the Rehabilitation Act of 1973)… or to the compliance of a district, special education local plan area, or county office with...(IDEA or Section 504 of the Rehabilitation Act of 1973)…and federal regulations relating thereto.
(b) The board may grant, in whole or in part, any request pursuant to subdivision (a) when the facts indicate that failure to do so would hinder implementation of the pupil's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities.

Education Code or *California Code of Regulations* section to be waived:
60851 (a) Commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 shall successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Funding for the administration of the high school exit examination shall be provided for in the annual Budget Act. The Superintendent shall apportion funds appropriated for this purpose to enable school districts to meet the requirements of this subdivision and subdivisions (b), (c), and (d). The state board shall establish the amount of funding to be apportioned per test administered, based on a review of the cost per test.

Desired outcome/rationale.
Request a waiver of the (above) California High School Exit Examination (CAHSEE) graduation requirement for_____ pupils with disabilities, who are seniors, and are otherwise eligible to graduate in the _____ school year under current statute.

District/County/SELPA Certification – *I hereby certify that the information provided on this application is correct & complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

California Department of Education

Special Education CAHSEE Waiver Documentation
Directions for Preparing a Specific SBE Waiver Request of CAHSEE Requirement for Eligible Students with Disabilities

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All California public school students are required to satisfy the California High School Exit Examination (CAHSEE) requirement as a condition of receiving a diploma of graduation from high school per California *Education Code* (*EC*) Section 60851(a). In accordance to SBE Policy XX, implemented pursuant to *EC* Section 56101, local educational agencies (LEAs) or special education local plan areas (SELPAs) may request a waiver of the requirement for the successful completion of the CAHSEE requirement for students with disabilities with an individualized education program (IEP). The following is information to assist LEAs or SELPAs in preparing these types of waiver requests.

All students may be included on the same waiver request when requesting a waiver of multiple students. List students to be included on the waiver without overtly identifying them (use an identifying number other than the Statewide Student Identifier [SSID]), and for each student, provide all of the information below:

- Attach an operative IEP adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) that indicates that the eligible SWD has an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2012;

- Provide documentation that the student has not passed the CAHSEE;

- Provide documentation that the student has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2012;

- Provide documentation that the student has attempted to pass both portions of the CAHSEE (i.e., English language arts and mathematics) at least once, with the accommodations or modifications, if any, specified in the student's IEP or Section 504 plan; and

- Provide a copy of the student score report(s), demonstrating that each student has attained a performance level scale score of 300 (Basic) or above on the Standardized Testing and Reporting (STAR) Program California Standards Test (CST) in English language arts (ELA) grade ten or Algebra I without the use of a modification, or a scale score of 350 (Proficient) or above on the California Modified Assessment (CMA) in ELA grade ten or Algebra I.

Redact any names on all documents for confidentiality and use the same identifier on all documents for the same student so the documents can be reviewed together.

To prepare a waiver request of this type, use this form: Specific SBE Waiver Request of CAHSEE Requirement for Eligible Students with Disabilities.

Draft - California State Board of Education Policy		POLICY #
		12-XX
	WAIVER GUIDELINES	DATE
	State Board of Education specific waiver request policy of the California High School Exit Examination requirement for eligible students with disabilities	May 2012

REFERENCES California *Education Code* (*EC*) sections 56101 and 60851.
HISTORICAL NOTES None

The State Board of Education (SBE):

1) Adopts the following criteria to define eligible students with disabilities (SWDs) pursuant to California *EC* Section 56101 for the purposes of the SBE establishing a waiver policy to streamline waiver requests from local educational agencies (LEAs) or special education local plan areas (SELPAs) on the behalf of any eligible SWD who meet the following criteria:

   - Has an operative Individualized Education Program (IEP) adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) that indicates that the eligible SWD has an anticipated graduation date and is scheduled to receive a high school diploma on or after July 1, 2012;

   - Has not passed the CAHSEE;

   - Has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after July 1, 2012;

   - Has attempted to pass both portions of the CAHSEE (i.e., English language arts and mathematics) at least once, with the accommodations or modifications, if any, specified in the student's IEP or Section 504 plan; and

   - Has attained a performance level scale score of 300 (Basic) or above on the Standardized Testing and Reporting (STAR) Program California Standards Test (CST) in English language arts (ELA) grade ten or Algebra I without the use of a modification, or a scale score of 350 (Proficient) or above on the California Modified Assessment (CMA) in ELA grade ten or Algebra I.

2) Pursuant to *EC* Section 60851(b), all SWDs shall take the CAHSEE in grade ten for the purposes of fulfilling the accountability requirements of the federal Elementary and Secondary Education Act.

3) This policy will expire in two years unless the SBE reviews and renews the policy.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Elementary and Secondary Education Act Update: School Improvement Grant: Approval of Applications by Cohort 1 Local Educational Agencies and Schools Receiving Sub-Grants Under Section 1003(g) for a Waiver of the Timeline to Develop and Implement Teacher and Principal Evaluation Systems That Meet Certain Requirements During the First Year a School is Implementing the Transformation Model.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

School Improvement Grant Transformation Model Waiver of Timeline to Implement Teacher and Principal Evaluation Systems

In August 2011, the U.S. Department of Education (ED) invited all states to apply for a waiver of the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the School Improvement Grant (SIG) program, which requires a local educational agency (LEA) to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model. Those systems must be rigorous, transparent, and equitable and take into account data on student academic growth as a significant factor as well as other factors, such as multiple observation-based assessments of performance, ongoing collections of information on professional practice reflective of student achievement, and increased high school graduation rates.

The January 28, 2012, approval letter from Michael Yudin, Acting Assistant Secretary, Office of Elementary and Secondary Education, ED, granting California a waiver of the timeline to implement teacher and principal evaluation systems for Cohort 1 SIG recipients implementing the transformation model is provided in Attachment 1.

There are fifty-five Cohort 1 SIG schools implementing the transformation model in twenty-nine LEAs. An application for the waiver of the timeline to develop teacher and principal evaluation systems was made available to LEAs with eligible schools on April 6, 2012. The application process is based on criteria outlined in the Brief History of Key Issues Section. The Implementation of Teacher and Principal Evaluation Systems Information and Submission Instructions is provided as Attachment 2, and the Implementation of Teacher and Principal Evaluation Systems LEA Application that was provided to eligible LEAs is provided as Attachment 3.

RECOMMENDATION

The CDE recommends that the SBE approve a SIG Transformation Model Timeline Waiver for LEAs with Cohort 1 SIG schools implementing the transformation model who have submitted an approvable application. The SIG Transformation Model Timeline Waiver - LEAs Recommended for the SIG Transformation Model Timeline Waiver will be provided as Attachment 4 in an Item Addendum.

BRIEF HISTORY OF KEY ISSUES

This waiver will permit the SBE, in accordance with criteria developed as part of the SIG by the ED, to allow an LEA that is implementing the transformation model in one or more schools to take additional time to develop and implement high-quality evaluation systems that meet SIG requirements. A Cohort 1 SIG school that began implementing the transformation model during the 2010–11 school year (SY) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–12 SY and, at a minimum, pilot them for all teachers and principals no later than the 2012–13 SY. The piloted systems should be capable of being used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–14 SY.

California sought, and was granted, this waiver because fewer than half of California LEAs implementing the transformation model in their Cohort 1 SIG schools have been able to meet the timeline required for implementation of the teacher and principal evaluation system required under this model. While many of these LEAs are in the process of identifying, negotiating, and implementing this component, very few are ready to fully implement their system to meet the requirements outlined by the ED. California believes that the additional time will enable qualifying LEAs to meet the SIG final requirements.

California assured the ED that, when granted a waiver of the implementation timeline for the evaluation systems requirements of the transformation model, it would:

- Evaluate LEA requests for timeline extensions, including evaluating whether an LEA has demonstrated sufficient commitment to, and progress in, implementing principal and teacher evaluation systems for its Cohort 1 SIG schools to justify the receipt of a timeline extension and whether, if an extension is granted, the LEA will be able to meet the timelines described above for developing and implementing evaluation systems.

- Distinguish among LEAs that have met the requirements, those that are making sufficient progress toward meeting the requirements, and those that have not made a good-faith effort to meet the requirements.

- Approve an LEA request to implement the waiver only if it is determined that the LEA warrants an extension of the evaluation systems timeline based on the ED's criteria.

BRIEF HISTORY OF KEY ISSUES (Cont.)

- Develop a monitoring plan for the 2011–12 SY, specifically for the LEAs that receive timeline extensions, that will help ensure that the LEAs are on track to pilot the required evaluation systems in the timeline described above.

- Develop a technical assistance and support plan that outlines how the CDE will differentiate support to LEAs based on their current level of implementation and will provide LEAs with the assistance they need to meet the evaluation system requirements.

LEAs that receive the timeline extension are required to submit revised implementation charts that define specific action steps, activities, and timelines that demonstrate they are on track to pilot their evaluation systems in the 2012–13 SY and fully implement them no later than the 2013–14 SY. Each SIG LEA is assigned a School Turnaround Office consultant who reviews any monitoring reports, on-site monitoring outcomes, and other evidence provided though the California Accountability and Improvement System (CAIS) to determine successful progress toward meeting the evaluation systems requirements.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its September 2011 meeting, the SBE approved California's application for a waiver of the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the SIG program, which requires a Cohort 1 SIG LEA to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a Cohort 1 SIG school is implementing the transformation model.

FISCAL ANALYSIS (AS APPROPRIATE)

Cohort 1 SIG LEAs will continue to be monitored according to the CDE's current monitoring schedule, funded by Title I state operations funds.

ATTACHMENT(S)

Attachment 1: January 28, 2012, letter from Michael Yudin, Acting Assistant Secretary, Office of Elementary and Secondary Education, to Sue Burr, Executive Director, California State Board of Education, and Deborah Sigman, Deputy Superintendent, California Department of Education, granting California a waiver of the timeline to implement teacher and principal evaluation systems for School Improvement Grant (3 Pages)

Attachment 2: School Improvement Grant Transformation Model Timeline Waiver – Implementation of Teacher and Principal Evaluation Systems Information and Submission Instructions (5 Pages)

ATTACHMENT(S) (Cont.)

Attachment 3: School Improvement Grant Transformation Model Timeline Waiver – Implementation of Teacher and Principal Evaluation Systems Local Educational Agency Application (2 Pages)

Attachment 4: The School Improvement Transformation Model Grant Timeline Waiver - Local Educational Agencies Recommended for the School Improvement Grant Transformation Model Timeline Waiver will be provided in an Item Addendum.

School Improvement Grant Transformation Model
Timeline Waiver – Implementation of Teacher and Principal Evaluation Systems
Information and Submission Instructions

California has been granted a waiver by the U.S. Department of Education (ED) of the requirement in Section I.A.2(d)(1)(i)(B) of the final requirements for the School Improvement Grant (SIG) program, which requires a local educational agency (LEA) to develop and implement teacher and principal evaluation systems that meet certain requirements during the first year a school is implementing the transformation model in a Cohort 1 SIG school.

Purpose

This waiver will allow a Cohort 1 SIG school that began implementing the transformation model during the 2010–11 school year (SY) and that was not able to complete the development and implementation of its evaluation systems during that year to develop them during the 2011–12 SY and, at a minimum, pilot them for all teachers and principals no later than the 2012–13 SY. The piloted systems should be capable of being used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–14 SY.

As part of its waiver application, California has assured the ED that, among other things, it will:

- Evaluate Cohort 1 LEA requests for timeline extensions using criteria provided by the ED, including by evaluating whether an LEA has demonstrated sufficient commitment to, and progress in, implementing principal and teacher evaluation systems for its Cohort 1 or Cohort 2 schools to justify the receipt of a timeline extension and whether, if an extension is granted, the LEA will be able to meet the timelines described above for developing and implementing evaluation systems.

- Distinguish among Cohort 1 LEAs that have met the requirements, those that are making sufficient progress toward meeting the requirements, and those that have not made a good-faith effort to meet the requirements.

- Approve a Cohort 1 LEA request to implement the waiver only if the CDE determines, based on ED's criteria, that the LEA warrants an extension of the evaluation systems timeline.

- Develop a monitoring plan for the 2011–12 SY, specifically for the LEAs that receive timeline extensions, that will help ensure that the LEAs are on track to pilot the required evaluation systems in the timeline described above.

- Develop a technical assistance and support plan that outlines how the CDE will differentiate support to LEAs based on their current level of implementation and will provide Cohort 1 LEAs with the assistance they need to meet the evaluation system requirements.

Eligibility

LEAs that received SIG funding to implement the transformation model as part of Cohort 1 (FY 2009).

Technical Assistance and Support Plan

California intends to take a number of actions to assist its Cohort 1 SIG LEAs with the identification, development, and full implementation of high quality teacher and principal evaluation systems that are designed to meet the ED's SIG final requirements.

CDE Goal	Technical Assistance and Support
Assist LEAs with determining their current level of implementation and developing a trajectory of prioritized action steps and activities that will lead to full implementation of their principal and teacher evaluation systems by the 2013–14 SY, per SIG requirements for schools implementing the transformation model.	1. Discuss with LEAs their current level of implementation and assist them with revising their implementation charts to demonstrate they are on track to pilot the required evaluation systems during the 2012–13 SY and fully implement the requirements no later than the 2013–14 SY. 2. Provide guidance on how to develop action steps, activities, and timelines that are designed to advance the LEA to full implementation. 3. Provide samples of high-quality resources and planning tools that are designed to focus work efforts and accomplish goals.

CDE Goal	Technical Assistance and Support
Provide research-based and promising practices information, resources, and tools to guide and support LEAs with the identification, development, and full implementation of their principal and teacher evaluation systems.	1. In partnership with the California Comprehensive Assistance Center at WestEd and the U.S. Department of Education's School Turnaround Learning Community, provide a California specific edited set of selected research, policy, practices, professional standards, and web-based resources and tools that focus on teacher and principal evaluation systems. • To access the free School Turnaround Learning Community (STLC): Register at http://www.schoolturnaroundsupport.org/ (Outside Source). • To access the free, private CA SIG Group: Register first on the STLC. Then, send your name, district, position, and username by e-mail to bkeatin@wested.org so we can add you to the private CA SIG Group. 2. Distribute samples of high-quality principal and teacher evaluation systems work products that address topics such as securing and sustaining stakeholder collaboration; setting purpose and goals for evaluation systems; defining principal and teacher effectiveness; selecting measures of principal and teacher effectiveness; collecting, analyzing, and using impact data, including data on student growth*; training evaluators; and building and measuring system effectiveness.

Resources

A Practical Guide to Designing comprehensive Teacher Evaluation Systems (National Comprehensive Center for Teacher Quality) http://www.tqsource.org/publications/practicalGuideEvalSystems.pdf

Measuring Student Growth for Teachers in Non-Tested Grades and Subjects: a Primer (Reform Support Network) http://www.swcompcenter.org/educator_effectiveness2/NTS_PRIMER_FINAL.pdf

Great Teachers and Leaders: State Considerations on Building Systems of Educator Effectiveness (Reform Support Network) http://www2.ed.gov/programs/racetothetop/great-teachers.doc

Criteria for Evaluation of Cohort 1 School Improvement Grant Teacher and Principal Evaluation Systems Timeline Waiver

The ED has provided the following guiding questions for a State Educational Agency (SEA) that receives the Cohort 1 SIG Teacher and Principal Evaluation Systems Timeline Waiver to use when evaluating an LEA's request to implement the waiver:

1. Where is the LEA in the process of implementing the required evaluation systems?

2. What are the LEA's plan, timeline, and budget for development and implementation of the required evaluation systems?

3. Given the LEA's capacity and resources, does the State believe that this plan is likely to result in successful implementation of the evaluation systems in accordance with the requirements of the timeline extension waiver?

4. Is the LEA thinking through and addressing the multiple elements of the evaluation systems in its plan and timeline?

    a. How is the LEA incorporating student growth* as a significant factor? What student growth measures are being used (e.g., value-added, teacher-developed assessments, etc.)?

    ***Note:** The CDE does not recommend the use of individual STAR Program assessment scores as they are not designed to measure individual student growth.

    b. What is the LEA's plan for measuring student growth for teachers of non-tested grades and subjects?

    c. How is the LEA incorporating multiple measures of teacher and principal performance (e.g., teacher/principal observations, parent surveys, etc.)?

    d. How have teachers and principals been involved in the process of developing the evaluation systems?

    e. Where applicable, how has the union been involved in the development of the evaluation systems?

5. What decisions will be informed by the data collected as part of the evaluation process (e.g., identifying teachers/principals for promotion as well as possible dismissal, determining rewards and incentives, informing job-embedded professional development)? Is the system being designed with these uses in mind?

Monitoring Plan

LEAs that receive the timeline extension are required to submit revised implementation charts that define specific action steps, activities, and timelines that demonstrate they are on track to pilot their evaluation systems in the 2012–13 SY and fully implement them no later than the 2013–14 SY. Each Cohort 1 SIG LEA is assigned a School Turnaround Office consultant who reviews its monitoring reports, on-site monitoring outcomes, and other evidence provided though the California Accountability and Improvement System (CAIS) to determine successful progress toward meeting the evaluation systems requirements. Cohort 1 LEAs that do not apply for or do not qualify for an extension of time will continue to be monitored under the current Federal timeline and may receive a finding if CDE staff determines they have not met the requirements of the principal and teacher evaluation systems.

Conditions and Assurances

1. Ensure that the identified strategies and related activities are incorporated in the revised LEA Plan and Single Plan for Student Achievement.

2. Follow all fiscal and programmatic reporting and auditing standards required by the CDE and respond to any additional surveys or other methods of data collection that may be required for the full sub-grant period.

3. Cooperate with any site visitations conducted by representatives of the state or regional consortia for the purpose of monitoring sub-grant implementation and expenditures, and provide all requested documentation to the CDE personnel in a timely manner.

Submission of Applications

Applicants must submit, by mail or personally delivered, an original hard copy with required signatures, **and** e-mail an electronic copy of the application packet in Word 2003 or later to the School Turnaround Office **on or before (not postmarked by) 4 p.m. Monday, April 23, 2012.** Applicants must submit the electronic copy by e-mail to RCSO@cde.ca.gov.

School Turnaround Office
Improvement and Accountability Division
California Department of Education
1430 N Street, Suite 6208
Sacramento, CA 95814-5901

School Improvement Grant Transformation Model
Timeline Waiver – Implementation of Teacher and Principal Evaluation Systems
Local Educational Agency Application

County Name		**County/District Code**
Local Education Agency (LEA) Name		**LEA NCES (NCES) Number**
LEA Address		
City		**Zip Code**
Name of Primary Grant Coordinator		**Grant Coordinator Title**
Telephone Number	**Fax Number**	**E-mail Address**

Certification/Assurance

As the duly authorized representative of the applicant, I have read all assurances, certifications, terms, and conditions associated with the federal SIG program; and I agree to comply with all requirements as a condition of funding.

I certify that all applicable state and federal rules and regulations will be observed and that to the best of my knowledge, the information contained in this application is correct and complete.

Printed Name of Superintendent or Designee	**Telephone Number**
Superintendent or Designee Signature (Blue Ink)	**Date**

Directions: Respond to the items below and submit the response, along with the completed cover page above.
1. Refer to the teacher and principal evaluation system component of the LEA's transformation implementation chart(s) and describe the LEA's current level of implementation of this component.
2. Describe what needs to occur to achieve full implementation of the teacher and principal evaluation component in the required timeline.

RECEIVED
JAN 30 2012
THE ASSISTANT SECRETARY
ASSESSMENT AND ACCOUNTA
BRANCH

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JAN 27 2012

Sue Burr
Executive Director
California State Board of Education
1430 N Street
Sacramento, CA 95814

Deborah Sigman
Deputy Superintendent
California Department of Education
1430 N Street
Sacramento, CA 95814

Dear Ms. Sigman and Ms. Burr:

On August 12, 2011, I invited State educational agencies (SEAs) to request a waiver to permit them to allow, in accordance with criteria they develop, a local educational agency (LEA) that is implementing a transformation model with School Improvement Grant (SIG) funds to have additional time to meet the teacher and principal evaluation requirement in section I.A.2(d)(1)(i)(B) of the SIG final requirements. Through a letter sent on September 22, 2011, California has requested such a waiver.

After reviewing the materials that California provided in support of its request, I am pleased to grant the requested waiver for schools that began implementing the transformation model during the 2010-11 school year (cohort 1). I am granting this waiver because I believe that California has provided sufficient assurances, through its request, that the waiver will enable qualifying LEAs in California to meet the SIG final requirements while encouraging the development and implementation of high-quality teacher and principal evaluation systems that will increase the quality of instruction for students and improve the academic achievement of students.

As you know, this waiver would apply only to evaluation systems for cohort 1 SIG schools, as follows:

> A school that began implementing the transformation model during the 2010–2011 school year (cohort 1) and that was not able to complete the development and implementation of its evaluation systems during that year must develop them during the 2011–2012 school year and, at a minimum, pilot them for all teachers and principals no later than the 2012–2013 school year. The piloted systems should produce valid and reliable data that may be used for decisions regarding, for example, retention, promotion, compensation, and rewards, no later than the 2013–2014 school year.

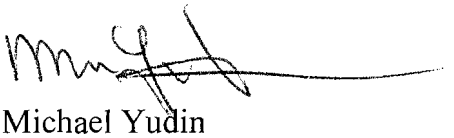
I am granting this waiver on the condition that California will satisfy the conditions set forth below. In particular, in exchange for this waiver of the implementation timeline for the evaluation systems requirements of the transformation model, California must:

- Develop criteria that:
  - California will use to evaluate LEA requests for timeline extensions, including by evaluating whether an LEA has demonstrated sufficient commitment to, and progress in, implementing principal and teacher evaluation systems for its cohort 1 schools to justify the receipt of a timeline extension and whether, if an extension is granted, the LEA will be able to meet the timelines described above for developing and implementing such systems; and
  - Enable California to distinguish among LEAs that have met the requirements, those that are making sufficient progress toward meeting the requirements, and those that have not made a good-faith effort to meet the requirements.
- Approve an LEA request to implement the waiver only if California determines, based on its criteria, that the LEA warrants an extension of the evaluation systems timeline.
- Develop a technical assistance and support plan that outlines how California will differentiate support to LEAs based on their current level of implementation and will provide LEAs with the assistance they need to meet the evaluation system requirements (*e.g.*, by assisting LEAs in selecting observational rubrics, developing student growth metrics, disseminating guidance for developing student learning outcomes, and training raters).
- Develop a monitoring plan for the 2011–2012 school year, specifically for the LEAs that receive timeline extensions, that will help ensure that the LEAs are on track to pilot the required evaluation systems no later than the 2012–2013 school year.
- Within 30 days of receiving the waiver from the U.S. Department of Education (Department), post on its public Web site the criteria, process, and timeline for reviewing an LEA's extension request.
- Within 30 days of California approving LEA extension requests, post on its public Web site and submit to the Department (via e-mail to school.improvement.grants@ed.gov) the names of the LEAs (including their NCES District Identification Number) for which it has approved a timeline extension and the schools (including their NCES School Identification Number) within those LEAs that will benefit from the extension, including an indication of the cohort to which each school belongs.
- Determine what action it will take with respect to LEAs that have not made a good-faith effort to meet the evaluation system requirements.

If California does not comply substantially with the conditions of this waiver, then the Secretary may terminate the waiver after providing notice and an opportunity for a hearing, in accordance with ESEA section 9401(f). If, as a result of the termination of the waiver, the SEA or its LEAs are unable to comply substantially with the SIG final requirements, the Department will take appropriate enforcement action, which may include initiating withholding proceedings.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Michael Wells at michael.wells@ed.gov or (202) 245-7587.

Sincerely,



Michael Yudin
Acting Assistant Secretary
Office of Elementary and Secondary Education

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Petition for Establishment of a Charter School Under the Oversight of the State Board of Education: Hold a Public Hearing to Consider the Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change, Which Was Denied by the Los Angeles Unified School District Board of Education and the Los Angeles County Office of Education Board of Education.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE

On July 12, 2011, the Los Angeles Unified School District Board of Education (Los Angeles USD) voted to deny the Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change (MATTIE) charter petition by a vote of 5 to 1. On December 6, 2011, the Los Angeles County Board of Education voted to deny the MATTIE charter petition by a vote of 7 to 0.

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

RECOMMENDATION

California Department of Education Recommendation

The California Department of Education (CDE) recommends that the SBE hold a public hearing to deny the petition to establish the MATTIE charter school under the oversight of the SBE based on the CDE's finding pursuant to *EC* sections 47605(b)(1), 47605(b)(2), and 47605(b)(5) as well as *California Code of Regulations,* Title 5 (5 *CCR)* 11967.5 that the petitioners are unlikely to successfully implement the program set forth in the petition.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) considered the MATTIE petition at its April 11, 2012, meeting and accepted the CDE's recommendation stated above by a vote of six to one.

BRIEF HISTORY OF KEY ISSUES

The MATTIE charter petition proposes to serve pupils in Carson, which is located in the southwestern area of Los Angeles County. The targeted population reflects the ethnic, cultural, and economic diversity of the area where the school proposes to locate. Data regarding academic and demographic information for schools where students would otherwise most likely attend can be found in Attachment 2.

The CDE reviewed the MATTIE petition and the MATTIE budget and cash flow reports (refer to Attachment 1, pp. 6-9). The CDE finds that the MATTIE charter petitioners are demonstrably unlikely to successfully implement the intended program, and the petition does not contain reasonably comprehensive descriptions of the 16 charter elements pursuant to *EC* Section 47605(b)(5) and 5 *CCR* 11967.5.1. See Attachment 1 for detailed analysis.

The CDE finds the following areas of deficiencies within the petition:

- The MATTIE charter petition does not describe an educational program that is likely to be of educational benefit to the pupils who attend. The description of the educational program beginning on page 25 of the petition (Attachment 3) does not fully describe how the proposed school will be of educational benefit to all of the pupils who attend, including pupils who are not achieving at or above expected levels nor does it adequately describe the program of services for English learners (EL) or students with disabilities.

- MATTIE's budget and cash flow does not present a sound financial plan.

    - MATTIE's budget includes approximately $1 million in local revenues in each year of operation, however, no documentation is provided to substantiate this amount.

    - The budget relies on the acquisition of the Public Charter Schools Grant Program (PCSGP), however, as a competitive grant this funding is not guaranteed to applicants. Additionally, an amount of $600,000 is budgeted whereas maximum PCSGP funding is $575,000.

    - The budget reflects proceeds from the Charter School Revolving Loan Fund in the Startup Year. However, the Charter School Revolving Loan Fund is not available prior to the school becoming operational. Additionally, the cash flow reflects receipt of funds in Year 1 operation. Since the loan proceeds are already embedded in the Year 1 beginning cash balance, it appears that the available cash in Year 1 is overstated by $250,000.

    - No funds are budgeted for the Charter School Revolving Loan Fund principal or interest repayments in Years 2 and 3.

BRIEF HISTORY OF KEY ISSUES (Cont.)

- The estimated enrollment in its first year is 525. The school's budget relies on full enrollment in Year 1 of operation with 92 percent attendance. Should the school not achieve full enrollment, the budget would be negatively impacted.

- It is unclear whether sufficient funding is budgeted for all positions identified on MATTIE's Organizational Chart as presented on page 128 of the charter petition (Attachment 3).

- Expenditures in several areas appear to be overstated or understated, for example:
  - Funds budgeted for Professional/Consulting Services appear excessive; however, no details are provided. Budgeted amounts begin at $940,000 in Year 1 and increase incrementally to $1,021,728 in Year 5.

  - The budget includes funding for three certificated administrators with an average annual salary of $143,333 and 2% annual increase in Years 2 through 5.

  - It appears that budgeted expenditures may be understated for furniture and equipment. For an anticipated enrollment of 525, only $1,000 is budgeted for furniture in the startup year and approximately $100 per year thereafter.

  - Funds budgeted for rentals, leases, and repairs would typically include facility expenditures. No details are provided for facilities; however, an annual expense of approximately $50,000 appears to be low given the school's projected enrollment.

- The petition does not include a description of how the school will respond to the needs of pupils who are not achieving at expected levels, nor does the petition contain a comprehensive special education plan.

- The petition does not provide evidence of the charter school's incorporation as a non-profit public benefit corporation.

- The petition does not contain a reasonably comprehensive description of the procedures by which pupils can be suspended or expelled.

In addition, pursuant to *California Code of Regulations*, Title 5, Section 11967.5.1(c)(1), the SBE shall consider if petitioners for an SBE-authorized charter school have a past history of involvement in a charter school that the SBE regards as unsuccessful, including having been associated with a charter school of which the charter has been revoked. The MATTIE petitioners previously operated MATTIE Academy, its charter

BRIEF HISTORY OF KEY ISSUES (Cont.)

was revoked by the LBUSD on September 16, 2008. The governing board of LACOE voted to not hear the revocation appeal pursuant to *EC* 47607(f)(3) which states, "If a county board does not issue a decision on the appeal within 90 days of receipt, or the county board upholds the revocation, the charter school may appeal the revocation to the state board." MATTIE appealed the revocation to the SBE, which was considered by the ACCS at its February 2010 meeting. During the course of the ACCS meeting, the petitioners exercised the right to withdraw the revocation appeal.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Currently, 33 charter schools operate under SBE authorization as follows:

- Three statewide benefit charters, operating a total of 13 schools
- One countywide benefit charter
- Nineteen charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of these schools to the CDE.

FISCAL ANALYSIS (AS APPROPRIATE)

The CDE receives approximately one percent of MATTIE's general purpose apportionment for CDE's oversight activities. However, the areas of fiscal deficiencies within the petition present a potential fiscal liability for CDE.

ATTACHMENTS

Attachment 1: California Department of Education Charter School Petition Review Form: Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School (37 Pages)

Attachment 2: MATTIE Data Tables (8 Pages)

Attachment 3: MATTIE: Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School, Charter School Petition (161 Pages)

Attachment 4: Los Angeles Unified School District and Los Angeles County Board of Education Findings for Denial and Petitioner's Responses (105 Pages)

Attachment 5: State Board of Education Standard Conditions on Opening and Operation (3 Pages)

California Department of Education
Charter School Petition Review Form:
Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School

<table>
<tr><th colspan="2">Key Information</th></tr>
<tr><td>Proposed Grade Span and Build-out Plan</td><td>In the 2012–13 school year, Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change (MATTIE) Charter School proposes to serve students in grade six through grade twelve (6–12). The proposed enrollment projections are displayed below.
<table>
<tr><th></th><th>6</th><th>7–8</th><th>9–12</th><th>Total</th></tr>
<tr><td>Year 1</td><td>100</td><td>150</td><td>275</td><td>525</td></tr>
<tr><td>Year 2 and Beyond</td><td>75</td><td>175</td><td>300</td><td>550</td></tr>
</table></td></tr>
<tr><td>Proposed Location</td><td>Carson, California</td></tr>
<tr><td>Brief History</td><td>On July 12, 2011, the Los Angeles Unified School District Board of Education (LAUSD) voted to deny the MATTIE Charter petition by a vote of 5 to 1. The Los Angeles County Office of Education (LACOE) voted to deny the appeal of the MATTIE Charter petition on December 6, 2011, by a vote of 7 to 0.</td></tr>
<tr><td>Lead Petitioner</td><td>Dr. Denice Price</td></tr>
</table>

Summary of Required Charter Elements Pursuant to California *Education Code* Section 47605(b)			
	Charter Elements Required Pursuant to California *Education Code (EC)* Section 47605(b)	**Meets Requirements**	**Technical Amendments**
	Sound Educational Practice	No	
	Ability to Successfully Implement the Intended Program	No	
	Required Number of Signatures	Yes	
	Affirmation of Specified Conditions	Yes	Yes
1	Description of Educational Program	No	
2	Measureable Pupil Outcomes	Yes	
3	Method for Measuring Pupil Progress	Yes	
4	Governance Structure	No	
5	Employee Qualifications	Yes	
6	Health and Safety Procedures	Yes	Yes
7	Racial and Ethnic Balance	Yes	
8	Admission Requirements	Yes	Yes
9	Annual Independent Financial Audits	Yes	Yes
10	Suspension and Expulsion Procedures	No	
11	Retirement Coverage	Yes	Yes
12	Public School Attendance Alternatives	Yes	
13	Post-employment Rights of Employees	Yes	
14	Dispute Resolution Procedures	Yes	Yes
15	Exclusive Public School Employer	Yes	
16	Closure Procedures	Yes	Yes
	Standards, Assessments, and Parent Consultation	Yes	
	Employment is Voluntary	Yes	
	Pupil Attendance is Voluntary	Yes	
	Effect on Authorizer and Financial Projections	Yes	
	Academically Low Achieving Pupils	No	
	Teacher Credentialing	Yes	
	Transmission of Audit Report	Yes	

Table 3: Summary of Recommended Material and Technical Amendments	
Relevant Section of *EC* or *California Code of Regulations*, *Title 5 (5 CCR)*	**Recommended Material Amendment**
California *EC* Section 47605(b) 5 *CCR* Section 11967.5.1(a) and (b)	**Sound Educational Practice:** The CDE requires that MATTIE amend the charter petition to describe an educational program that is likely to be of educational benefit to the pupils who attend and include how the proposed school will identity and respond to the needs of pupils who are not achieving at or above expected levels nor does it adequately describe the program of services for English learners (EL) or students with disabilities.
***EC* Section 47605(b)(2) 5 *CCR* Section 11967.5.1(c)**	**Demonstrably Unlikely to Successfully Implement the Program Set Forth in the Petition:** The CDE requires MATTIE to amend the petition of address concerns related to budget and cash flow present a sound financial plan. The petitioners have a past history of involvement with a charter school that was revoked.
***EC* Section 47605(b)(5)(A) 5 *CCR* Section 11967.5.1(f)(1)**	**Description of Education Program:** The CDE requires MATTIE to amend the charter petition to include a more comprehensive description of the educational program including how the proposed school will identity and respond to the needs of pupils who are not achieving at or above expected levels nor does it adequately describe the program of services for English learners (EL) or students with disabilities.
***EC* Section 47605(b)(5)(D) 5 *CCR* Section 11967.5.1(f)(4)**	**Governance Structure:** The CDE requires MATTIE amend the petition to include evidence to demonstrate incorporation as a non-profit public benefit corporation.
***EC* Section 47605(b)(5)(J) 5 *CCR* Section 11967.5.1(f)(10)**	**Suspension and Expulsion:** The CDE requires MATTIE amend the petition to meet all of the requirements under *EC* Section 47605(b)(5)(J) and 5 *CCR* Section 11967.5.1(f)(10) as specified in this document.
***EC* Section 47605(h) 5 *CCR* Section 11967.5.1(f)(1)(F–G)**	**Academically Low Achieving Pupils:** The CDE requires MATTIE amend the petition to demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically low achieving.
Relevant Section of *EC* or *California Code of Regulations*, *Title 5 (5 CCR)*	**Recommended Technical Amendments**

***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**	**Affirmation of Specified Conditions:** technical amendment needed to comply with the amended language of *EC* Section 220
***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**	**Health and Safety:** To reflect SBE authorization the CDE recommends that the MATTIE charter petition be amended to ensure for ongoing tuberculosis testing of employees and regular volunteers and list out the required health screenings.
***EC* Section 47605(b)(5)(H)** **5 *CCR* Section 11967.5.1(f)(8)**	**Admission Requirements:** The CDE recommends MATTIE amend its public random lottery process to ensure that admission preferences be extended only to subgroups of students within the district.
***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**	**Annual Independent Financial Audits:** To reflect SBE authorization the CDE recommends MATTIE amend to specify the person responsible for contracting and overseeing the independent audit.
***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**	**Retirement Coverage:** To reflect SBE authorization the petition needs to be amended to specify which positions will be covered under each retirement system.
***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**	**Dispute Resolution Procedures:** To reflect SBE authorization, the CDE recommends the MATTIE charter petition be revised to incorporate the language specified in 5 *CCR* Section 11967.5.1(f)(14)(A) and (D).
***EC* Section 47605(b)(5)(P)** **5 *CCR* Section 11962**	**Closure Procedures:** To reflect SBE authorization the CDE recommends that MATTIE petitioners amend their petition to state that in the event of a closure MATTIE will transmit to the CDE the following information: the effective date of the closure, a description of the circumstances of closure, and the location of pupil and personnel records.

Requirements for State Board of Education-Authorized Charter Schools

Sound Educational Practice	**California *EC* Section 47605(b) 5 *CCR* Section 11967.5.1(a) and (b)**
Evaluation Criteria For purposes of *EC* Section 47605(b), a charter petition shall be "consistent with sound educational practice" if, in the SBE's judgment, it is likely to be of educational benefit to pupils who attend. A charter school need not be designed or intended to meet the educational needs of every student who might possibly seek to enroll in order for the charter to be granted by the SBE. For purposes of *EC* Section 47605(b)(1), a charter petition shall be "an unsound educational program" if it is either of the following: (1) A program that involves activities that the SBE determines would present the likelihood of physical, educational, or psychological harm to the affected pupils. (2) A program that the SBE determines not likely to be of educational benefit to the pupils who attend.	
Is the charter petition "consistent with sound educational practice?"	**No**

Comments:

The MATTIE charter petition proposes to serve pupils in Carson, which is located in the southwestern part of Los Angeles County.

CDE has concerns that the MATTIE charter petition does not describe an educational program that is likely to be of educational benefit to the pupils who attend. The description of the educational program beginning on page 25 of the petition (Attachment 3) does not fully describe how the proposed school will be of educational benefit to all of the pupils who attend, including pupils who are not achieving at or above expected levels nor does it adequately describe the program of services for English learners (EL) or students with disabilities.

Ability to Successfully Implement the Intended Program	***EC* Section 47605(b)(2) 5 *CCR* Section 11967.5.1(c)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(2), the SBE shall take the following factors into consideration in determining whether charter petitioners are "demonstrably unlikely to successfully implement the program": 1. If the petitioners have a past history of involvement in charter schools or other	

Ability to Successfully Implement the Intended Program	***EC* Section 47605(b)(2)** **5 *CCR* Section 11967.5.1(c)**
education agencies (public or private), the history is one that the SBE regards as unsuccessful, e.g., the petitioners have been associated with a charter school of which the charter has been revoked or a private school that has ceased operation for reasons within the petitioners' control. 2. The petitioners are unfamiliar in the SBE's judgment with the content of the petition or the requirements of law that would apply to the proposed charter school. 3. The petitioners have presented an unrealistic financial and operational plan for the proposed charter school (as specified). 4. The petitioners personally lack the necessary background in the following areas critical to the charter school's success, and the petitioners do not have plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.	
Are the petitioners able to successfully implement the intended program?	**No**

Comments:

The CDE finds that the MATTIE petitioners are demonstrably unlikely to implement the program as set forth in the charter petition as the petitioners have a past history of involvement with a charter school that was revoked.

In addition, the CDE does not find that MATTIE's budget and cash flow present a sound financial plan.

- MATTIE's budget includes approximately $1 million in local revenues in each year of operation, however, no documentation is provided to substantiate this amount. In total, this amount represents approximately 21 percent of total revenues in Year 1 and approximately 17 percent of total revenues in Years 2–5.

- The budget relies on the acquisition of the Public Charter Schools Grant Program (PCSGP), however, as a competitive grant this funding is not guaranteed to applicants. Additionally, an amount of $600,000 is budgeted whereas maximum PCSGP funding is $575,000.

- The receipt of funds from the CDE Charter School Revolving Loan Fund is not guaranteed. The loan would also not be available in the Start Up year, prior to the school becoming operational.

- The budget reflects proceeds from the Charter School Revolving Loan Fund in the Startup Year; however, the cash flow reflects receipt of funds in Year 1 of

operation. Since the loan proceeds are already embedded in the Year 1 beginning cash balance, it appears that the available cash in Year 1 is overstated by $250,000.

- No funds are budgeted for the Charter School Revolving Loan Fund principal or interest repayments in Years 2 and 3.

- Estimated enrollment of 525 is high for a typical charter school in its first year of operation. The school's budget relies on full enrollment in Year 1 of operation with 92 percent attendance. Should the school not achieve full enrollment, the budget would be negatively impacted.

- It is unclear whether sufficient funding is budgeted for all positions identified on MATTIE's Organizational Chart as presented on page 128 of the charter petition (Attachment 3).

- Expenditures in several areas appear to be overstated or understated

    - Funds budgeted for Professional/Consulting Services appear excessive; however, no details are provided. Budgeted amounts begin at $940,000 in Year 1 and increase incrementally to $1,021,728 in Year 5.

    - The budget includes funding for three certificated administrators with an average annual salary of $143,333; both the staffing level and respective salaries appear to be high.

    - Staffing levels seem high for certificated and classified non-teaching positions.

    - It appears that budgeted expenditures may be understated for furniture and equipment. For an anticipated enrollment of 525, only $1,000 is budgeted for furniture in the startup year and approximately $100 per year thereafter. It is also unclear whether sufficient funds are budgeted for equipment, including student and teacher computers, printer, etc.

    - Funds budgeted for Rental, Leases, Repairs would typically include facility expenditures. No details are provided for facilities; however an annual expense of approximately $50,000 appears to be low given the school's projected enrollment.

- The school does not budget for state apportionment deferrals in Years 2 and 3.

As further evidence, the MATTIE lead petitioner, Dr. Price, was the Chief Executive Officer of the MATTIE Academy Charter School that was authorized under the Long Beach Unified School District (Long Beach USD) on August 21, 2007, for a three-year term. The Long Beach USD Board voted to revoke the MATTIE charter on September

16, 2008. The Long Beach USD Board made nine findings that MATTIE engaged in fiscal mismanagement:

1. Failure to comply with financial reporting requirements
2. Failure to pay large sums owed to multiple vendors
3. Negative net assets of $909,504 as of May 31, 2008
4. Failure to provide a second interim budget and business plan
5. Failure to pay employee salary and benefits
6. Failure to maintain employee medical benefits
7. Failure to maintain workers compensation insurance
8. Failure to employ credentialed staff
9. Failure to demonstrate a legitimate budget/business plan for school year 2008–09

The revocation was appealed to LACOE. At its November 18, 2008, meeting, the LACOE Board voted not to hear the appeal. MATTIE officially appealed to the SBE on March 12, 2009, and the revocation appeal was placed on the agenda of the Advisory Commission on Charter Schools (ACCS) for its December 9, 2009, meeting and then again for its February 10, 2010, meeting. At the February 10, 2010, meeting, after presentations by the CDE Charter Schools Division staff, the petitioners, and Long Beach USD officials and discussion amongst the ACCS commissioners, the petitioners elected to withdraw their appeal.

Given the financial history with the petitioner's prior charter school, MATTIE Academy (CDS# 19-64725-0115683, Charter # 0956), CDE has concerns with the petitioner's fiscal capacity. Specifically, the former charter school operated during fiscal year 2007–08 but did not comply with all financial reporting requirements, specifically the school did not complete an annual audit or final close out audit as required by *EC* 41020 and *5 CCR* 11962(f). As a result, the school's total assets, liabilities and ending fund balance are uncertain.

Based on fiscal year 2007–08, unaudited actuals data submitted to CDE, the school ended the year with a negative balance of $107,471. CDE believes the actual ending balance may be at least $-357,471, as $250,000 of the $600,000 PCSGF included in the unaudited report was not received by the school. CDE believes there may be other revenue and expenditure errors contained in this report. The Long Beach USD findings identified MATTIE's negative ending balance as $909,504.

The school currently has an outstanding liability with CDE of $185,919.19, for principal apportionment overpayment.

Required Number of Signatures	***EC* Section 47605(b)(3)** **5 *CCR* Section 11967.5.1(d)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(3), a charter petition that "does not contain the number of signatures required by [law]"…shall be a petition that did not contain the requisite number of signatures at the time of its submission…	
Does the petition contain the required number of signatures at the time of its submission?	**Yes**

Comments:

The requisite number of signatures from meaningfully interested teachers is included with the petition.

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
Evaluation Criteria For purposes of *EC* Section 47605(b)(4), a charter petition that "does not contain an affirmation of each of the conditions described in [*EC* Section 47605(d)]"…shall be a petition that fails to include a clear, unequivocal affirmation of each such condition. Neither the charter nor any of the supporting documents shall include any evidence that the charter will fail to comply with the conditions described in *EC* Section 47605(d).	
(1) [A] charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the California *Penal Code*. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school.	**Yes; Technical Amendment Needed** To comply with amended *EC* Section 220
(2) (A) A charter school shall admit all pupils who wish to attend the school.	Yes

Affirmation of Specified Conditions	***EC* Section 47605(b)(4)** ***EC* Section 47605(d)** **5 *CCR* Section 11967.5.1(e)**
(B) However, if the number of pupils who wish to attend the charter school exceeds the school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. Preference shall be extended to pupils currently attending the charter school and pupils who reside in the district except as provided for in *EC* Section 47614.5. Other preferences may be permitted by the chartering authority on an individual school basis and only if consistent with the law. (C) In the event of a drawing, the chartering authority shall make reasonable efforts to accommodate the growth of the charter school and, in no event, shall take any action to impede the charter school from expanding enrollment to meet pupil demand.	
(3) If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. This paragraph applies only to pupils subject to compulsory full-time education pursuant to [*EC*] Section 48200.	Yes
Does the charter petition contain the required affirmations?	**Yes; Technical Amendment Needed** To comply with newly enacted *EC* Section 220

Comments:

Technical Amendment: The MATTIE charter renewal petition contains the required affirmations with an amendment needed to comply with newly added language to *EC* Section 220.

The 16 Charter Elements

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
Evaluation Criteria The description of the educational program of the school, as required by *EC* Section 47605(b)(5)(A), at a minimum:	
(A) Indicates the proposed charter school's target student population, including, at a minimum, grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.	Yes
(B) Specifies a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of "an educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	Yes
(C) Includes a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.	Yes
(D) Indicates the basic learning environment or environments (e.g., site-based matriculation, independent study, community-based education, technology-based education).	Yes
(E) Indicates the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching methods (or a process for developing the curriculum and teaching methods) that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to *EC* Section 60605 and to achieve the objectives specified in the charter.	Yes
(F) Indicates how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.	No
(G) Indicates how the charter school will meet the needs of students with disabilities, EL, students achieving substantially above or below grade level expectations, and other special student populations.	No
(H) Specifies the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of *EC* Section 47641, the process to be used to identify students who qualify for special education programs and services, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.	No

1. Description of Educational Program	***EC* Section 47605(b)(5)(A)** **5 *CCR* Section 11967.5.1(f)(1)**
If serving high school students, describes how district/charter school informs parents about: • transferability of courses to other public high schools; and • eligibility of courses to meet college entrance requirements Courses that are accredited by the Western Association of Schools and Colleges (WASC) may be considered transferable, and courses meeting the University of California/California State University "a-g" admissions criteria may be considered to meet college entrance requirements.	No
Does the petition overall present a reasonably comprehensive description of the educational program?	**No**

Comments:

The MATTIE charter petition does not present a reasonably comprehensive description of the educational program. The information regarding curriculum mirrors and does not exceed much of the California curriculum frameworks for the core subject areas. The description of the educational program beginning on page 25 of the petition (Attachment 3) does not fully describe how the proposed school will identity and respond to the needs of pupils who are not achieving at or above expected levels nor does it adequately describe the program of services for English learners (EL) or students with disabilities.

Educational Program

MATTIE proposes a site-based school serving an ethnically diverse group of students in grades six through twelve. The school proposes to locate in the Carson area of Los Angeles County. The school's mission is to promote academic success through student thinking, problem solving, and in-depth learning at the secondary and post-secondary level. The petition sets an expectation to matriculate students who are college or career ready based on their superior performance on standardized testing with the expectation of having students in the top 10 percent nationally. The petition describes that the purpose of education in the 21st Century is to prepare people to lead productive lives and to enjoy their constitutional rights. The petition describes that learning best occurs when students learn through a variety of experiences.

Instructional Program

The instructional program described in the MATTIE petition centers around a learning community that is nurturing, challenging, engaging, and collaborative. The petition states that teachers will use a wide variety of instructional strategies to address the different learning styles and developmental needs of the students.

The MATTIE petition states that the school will provide a curriculum based on the California frameworks and academic content standards. Subject areas listed in the petition include “English language arts, mathematics, history-social sciences, science, physical education, independent study, social studies, foreign language, and career development and technology.”

The MATTIE petition describes course offerings similar to those of traditional middle school and high school in a block schedule format. Students who attend MATTIE will also have the opportunity for service learning and career development. The petitioners intend to work with California State University, Dominguez Hills, so that students can participate in the College Connected Enrichment Activities as well as attend classes at the college.

Curriculum

The middle school curriculum consists of core subjects including English language arts, mathematics, social science, science and physical education as well as electives. It is unclear if the mathematics course offered in the eighth grade is Algebra. The high school curriculum is in line with preparation for college entrance. Elective offerings are not identified at any grade level. Graduation requirements are identical to the state requirements. Core subject area content as identified in the MATTIE charter petition is directly copied from the California Frameworks for English language arts, mathematics, history-social sciences, and science.

The MATTIE petition also identifies the implementation of a short term Independent Study Program (ISP).

Plan for Low-Achieving Students

The MATTIE charter petition does not clearly address the needs of low achieving students. The petition states that students who are failing academically would be referred to the Student Success Team to determine through the Response to Intervention model if students are eligible for special education services. Although the petition includes a plan for socioeconomically disadvantaged students, it does not describe how the charter school will identify and respond to the needs of pupils who are not eligible for special education and who are not achieving at or above expected levels.

Plan for High-Achieving Students

The MATTIE petition states that they will meet the needs of high achieving students by identifying the students and then applying to the state for additional funding through the Gifted and Talented program (GATE). However, GATE funding is part of the of the charter categorical block grant and therefore the charter school would receive no additional funds for GATE. Without the additional funding it is unclear as to the program the school will offer for high achieving students.

Plan for English Learners

The MATTIE charter petition includes a statement that the school will meet all requirements of federal law related to EL students. The instruction program is described as one that will promote language acquisition and oral language development. EL students will participate in the core curriculum which special assistance during the regular classroom instruction though Specially Designed Academic Instruction in English (SDAIE) techniques and tutorial assistance outside core class time. The charter petition states that 45 minutes each day will be designated for English Language Development (ELD). The petition does not mention an intervention plan for those EL students not meeting the goal of one-proficiency level a year.

The petition describes the use of a home language survey upon student enrollment and California English Language Development Test (CELDT) administration and states that the Director of ELD will reclassify students. Students identified as EL will be assigned to a daily ELD class based upon their proficiency level. The petition lacks a clear description of the criteria for reclassification of students and how, if at all, the reclassified students are provided on-going monitoring.

Plan for Special Education Students

The MATTIE Petition indicates that the charter school will either execute a memorandum of understanding (MOU) with the LAUSD Special Education Local Plan Area (SELPA) regarding provision and funding of special education services or provide verification of membership in another state-approved SELPA. The Petition does not include the required written assurances. Rather, the Petition includes LAUSD boilerplate language. These statements do not satisfy the requirements under *EC* Section 47641, which require written assurances that the charter school will participate as a Local Education Agency (LEA) in a SELPA approved by the SBE.

The MATTIE Petition does not include a “reasonably comprehensive” description of the school’s special education plan. While the Petition includes a special education plan in Appendix D, the plan lacks specificity with regard to the charter school. For example, the “search and serve” component of the special education plan states that the “school district” will actively “search” for students who may be eligible for special education and related services. The special education plan does not indicate how the charter school will fulfill its child find obligations, other than to post “information” at the school site. In addition, the special education plan indicates that eligible students in “two high school grades, 10-12 the two 9th grade centers grade, the Career High school grades 9-12, and both alternative campuses” will receive services through the school district’s special education program. The Petition’s special education plan does not indicate how the school intends to provide special education and related services to students in grades 6-8.

In addition, the MATTIE Petition does not demonstrate an understanding of its responsibilities under the law for special education students or how it intends to meet those responsibilities. For example, the Petition states that “special education students will have access to the general education core curriculum as well as receive support services based on their eligibility criteria as outlined in the IDEA in 1997 as well as in 2004.” The receipt of “support services” is not based on a student’s “eligibility criteria.” Rather, the related services a special education student receives is based on a variety of information: the strengths of the child, the concerns of the parents, the results of the initial or most recent evaluation of the child, and the academic, developmental and functional needs of the child. (20 USC § 1414(d)(3)(A).) The Petition does not demonstrate an understanding of this responsibility under the law and how the school intends to meet this responsibility. Further, the Petition does not indicate that the petitioners understand that a student’s IEP includes a student’s special education and related services and supplementary aids and services, and not merely access to the “core curriculum” and receipt of “support services.” (34 CFR § 300.320(a)(4).) Accordingly, the Petition does not demonstrate an understanding of this responsibility under the law and how the school intends to meet this responsibility.

Finally, the Petition indicates, “teachers will refer students who are failing academically to the Student Success Team to determine through the Response To Intervention model if students will be eligible for special education services.” (Emphasis added.) This statement does not indicate that petitioners understand that the RTI method is designed to provide early intervention and prevention of academic and behavior difficulties; it is designed to provide students with support prior to academic failure. Rather, it appears that Petitioners plan to use the RTI process for “students who are failing academically.” Accordingly, the Petition does not demonstrate an understanding of this responsibility under the law and how the school intends to meet this responsibility.

Transferability of Course Credits

The MATTIE petition states that parents will be informed of the transferability of course credits to neighboring public schools and if the courses meet entrance requirements for the University of California and the California State University (UC/CSU) systems. The petition also includes a plan and a timeline for applying for WASC accreditation. However, the petition does not adequately address whether the school will offer a-g approved coursework, and the petitioners appear to lack an understanding of how students become eligible for UC/CSU admission. Specifically, the petition states that the school “will meet A-G Requirements by offering classes that meet UC & CSU entrance requirements.” However, these courses would not meet a-g requirements unless actually approved by the UC/CSU system. There is no description of how or when MATTIE would apply for a-g approval.

2. Measureable Pupil Outcomes	***EC* Section 47605(b)(5)(B)** **5 *CCR* Section 11967.5.1(f)(2)**
Evaluation Criteria Measurable pupil outcomes, as required by *EC* Section 47605(b)(5)(B), at a minimum:	
(A) Specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed, at a minimum, by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. It is intended that the frequency of objective means of measuring pupil outcomes vary according to such factors as grade level, subject matter, the outcome of previous objective measurements, and information that may be collected from anecdotal sources. To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.	Yes
(B) Include the school's API growth target, if applicable.	Yes
Does the petition present a reasonably comprehensive description of measurable pupil outcomes?	**Yes**

Comments:

The MATTIE petition presents a reasonably comprehensive description of measurable pupil outcomes. Specifically, it provides outcomes based upon state required assessments.

The petition includes the following goals:

- 95 percent student attendance
- API score of 800, or growth as required, if applicable
- On average, one band increase as measured by the CELDT
- Adequate Yearly Progress (AYP) of 100 percent by 2013–14
- All subgroups will make at least 80 percent of the school target
- California Standards Test (CST) participation rate of at least 95 percent
- CST proficiency target of 60 percent in year three increasing to 75 percent in year five in English/Language Arts and Math

- California High School Exit Examination (CAHSEE) passing rates of 90 percent or higher by grade twelve

- Graduation rates of 90 percent or higher

- Special education students demonstrate appropriate progress toward goals in their individualized education plan each year

- Parent satisfaction of 80 percent or higher on surveys

3. Method for Measuring Pupil Progress	***EC* Section 47605(b)(5)(C)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria The method for measuring pupil progress, as required by *EC* Section 47605(b)(5)(C), at a minimum:	
(A) Utilizes a variety of assessment tools that are appropriate to the skills, knowledge, or attitudes being assessed, including, at minimum, tools that employ objective means of assessment consistent with the measurable pupil outcomes.	Yes
(B) Includes the annual assessment results from the Standardized Testing and Reporting (STAR) program.	Yes
(C) Outlines a plan for collecting, analyzing, and reporting data on pupil achievement to school staff and to pupils' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational program.	Yes
Does the petition present a reasonably comprehensive description of the method for measuring pupil progress?	**Yes**

Comments:

The MATTIE charter petition presents a reasonably comprehensive description of the methods to be used for measuring student progress.

MATTIE will administer quarterly benchmark assessments. Teachers will use the assessment data to determine skills mastered and identification of learning needs. Information will be organized in a portfolio shared with parents during conferences.

Key methods of measuring student progress include the following assessments or programs:

- STAR

- Quarterly benchmarks using STAR by Renaissance Learning

- CST aligned diagnostic including Link-It! Express for California Learns
- Classroom based tests, quizzes, and homework assignments
- Portfolios of written work, science lab results, public presentations of projects graded pursuant to school developed rubrics
- Teacher observations/narratives
- Student self-evaluations

4. Governance Structure	***EC* Section 47605(b)(5)(D)** **5 *CCR* Section 11967.5.1(f)(4)**
Evaluation Criteria The governance structure of the school, including, but not limited to, the process…to ensure parental involvement…, as required by *EC* Section 47605(b)(5)(D), at a minimum:	
(A) Includes evidence of the charter school's incorporation as a non-profit public benefit corporation, if applicable.	No
(B) Includes evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: 1. The charter school will become and remain a viable enterprise. 2. There will be active and effective representation of interested parties, including, but not limited to parents (guardians). 3. The educational program will be successful.	No
Does the petition present a reasonably comprehensive description of the school's governance structure?	**No**

Comments:

The MATTIE petition states that the charter school will be operated by a nonprofit public benefit corporation, evidence of which can be found in Appendix A of the Petition (see Attachment 3 p. 56). However, the Petition does not include evidence to demonstrate "incorporation as a non-profit public benefit corporation" either in the Petition itself, or in Appendix A. Accordingly, the Petition fails to meet the requirements of 5 *CCR* Section 11967.5.1(f)(4)(A).

It is not clear whether MATTIE "will become and remain a viable enterprise." The MATTIE petitioners are not eligible to secure "start up" funds through the Public Charter School grant for the 2012–2013 school year. Additionally, based on Petitioners' past

history of involvement in a charter school petition that was revoked by the LBUSD for fiscal mismanagement, Petitioners have not demonstrated fiscal responsibility when managing school funds. Accordingly, the Petition fails to demonstrate that the "charter school will become and remain a viable enterprise." This, in turn, raises doubts as to whether "the educational program will be successful." *EC* Section 47605 (b)(5)(D) and *California Code of Regulations* section 11967.5.1(f)(4).

5. Employee Qualifications	***EC* Section 47605(b)(5)(E)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria The qualifications (of the school's employees), as required by *EC* Section 47605(b)(5)(E), at a minimum:	
(A) Identify general qualifications for the various categories of employees the school anticipates (e.g., administrative, instructional, instructional support, non-instructional support). The qualifications shall be sufficient to ensure the health, and safety of the school's faculty, staff, and pupils.	Yes
(B) Identify those positions that the charter school regards as key in each category and specify the additional qualifications expected of individuals assigned to those positions.	Yes
(C) Specify that all requirements for employment set forth in applicable provisions of law will be met, including, but not limited to credentials as necessary.	Yes
Does the petition present a reasonably comprehensive description of employee qualifications?	**Yes**

Comments:

The MATTIE charter petition presents a reasonably comprehensive description of employee qualifications. The petition states all professional staff will be required to have state certification appropriate to their positions. The petition also states all MATTIE teachers will be deemed highly qualified as required by the Elementary and Secondary Education Act (ESEA).

6. Health and Safety Procedures	***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**
Evaluation Criteria The procedures…to ensure the health and safety of pupils and staff, as required by *EC* Section 47605(b)(5)(F), at a minimum:	
(A) Require that each employee of the school furnish the school with a criminal record summary as described in *EC* Section 44237.	Yes

6. Health and Safety Procedures	***EC* Section 47605(b)(5)(F)** **5 *CCR* Section 11967.5.1(f)(6)**
(B) Include the examination of faculty and staff for tuberculosis as described in *EC* Section 49406.	Yes
(C) Require immunization of pupils as a condition of school attendance to the same extent as would apply if the pupils attended a non-charter public school.	Yes
(D) Provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.	Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization
Does the petition present a reasonably comprehensive description of health and safety procedures?	**Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization**

Comments:

The MATTIE charter petition as submitted presents a reasonably comprehensive description of health and safety procedures to be used at the school.

Technical Amendments: To reflect SBE authorization the MATTIE charter petition be amended to ensure:

- contractors who have contact with students provide a criminal background summary.

- tuberculosis (TB) testing of all employees. However, this element requires an amendment to ensure for ongoing TB testing, after the initial testing, of employees and regular volunteers.

- the school will adhere to health screening of pupils' vision, hearing and scoliosis to the same extent as would be required if the pupils attended a non-charter public school.

7. Racial and Ethnic Balance	***EC* Section 47605(b)(5)(G)** **5 *CCR* Section 11967.5.1(f)(7)**
Evaluation Criteria Recognizing the limitations on admissions to charter schools imposed by *EC* Section 47605(d), the means by which the school(s) will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district…, as required by *EC* Section 47605(b)(5)(G), shall be presumed to have been met, absent specific information to the contrary.	
Does the petition present a reasonably comprehensive description of means for achieving racial and ethnic balance?	**Yes**

Comments:

The MATTIE charter petition does present a reasonably comprehensive description of the means for achieving a racial and ethnic balance at the school. MATTIE will employ outreach activities to achieve racial and ethnic balance and to be reflective of the schools in the vicinity.

MATTIE commits to the following related to achieving racial and ethnic balance:

- Printing and distributing materials in English, Spanish, and other languages reflecting the needs of the community
- An enrollment process that includes a timeline that allows for a broad-based application process
- Promotional and information material that reaches to various racial and ethnic groups represented in the territorial jurisdiction of Los Angeles USD.

8. Admission Requirements, If Applicable	***EC* Section 47605(b)(5)(H)** **5 *CCR* Section 11967.5.1(f)(8)**
Evaluation Criteria To the extent admission requirements are included in keeping with *EC* Section 47605(b)(5)(H), the requirements shall be in compliance with the requirements of *EC* Section 47605(d) and any other applicable provision of law.	
Does the petition present a reasonably comprehensive description of admission requirements?	Yes; Technical Amendments Needed

Comments:

The requirement of a public random drawing is met, however, the order of preferences stated in MATTIE's petition is potentially inconsistent with *EC* Section 47605(d)(2). MATTIE does not list students of the district as those receiving a preference in a lottery.

Technical Amendment: The CDE recommends MATTIE amend its public random lottery process to ensure that admission preferences be extended to students within the district.

9. Annual Independent Financial Audits	***EC* Section 47605(b)(5)(I)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria The manner in which annual independent financial audits shall be conducted using generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the SBE's satisfaction, as required by *EC* Section 47605(b)(5)(I), at a minimum:	
(A) Specify who is responsible for contracting and overseeing the independent audit.	No; Technical Amendment Needed
(B) Specify that the auditor will have experience in education finance.	Yes
(C) Outline the process of providing audit reports to the SBE, CDE, or other agency as the SBE may direct, and specifying the timeline in which audit exceptions will typically be addressed.	Yes
(D) Indicate the process that the charter school(s) will follow to address any audit findings and/or resolve any audit exceptions.	Yes
Does the petition present a reasonably comprehensive description of annual independent financial audits?	**Yes; Technical Amendment Needed**

Comments:

The MATTIE charter petition does not present a reasonably comprehensive description of the manner in which annual independent financial audits will be conducted.

Technical Amendment: To reflect SBE authorization the MATTIE charter petition needs to specify the person responsible for contracting and overseeing the independent audit.

10. Suspension and Expulsion Procedures	***EC* Section 47605(b)(5)(J)** **5 *CCR* Section 11967.5.1(f)(10)**
Evaluation Criteria The procedures by which pupils can be suspended or expelled, as required by *EC* Section 47605(b)(5)(J), at a minimum:	
(A) Identify a preliminary list, subject to later revision pursuant to subparagraph (E), of the offenses for which students in the charter school must (where non-discretionary) and may (where discretionary) be suspended and, separately, the offenses for which students in the charter school must (where non-discretionary) or may (where discretionary) be expelled, providing evidence that the petitioners' reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools.	No
(B) Identify the procedures by which pupils can be suspended or expelled.	No
(C) Identify the procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights in regard to suspension or expulsion.	No
(D) Provide evidence that in preparing the lists of offenses specified in subparagraph (A) and the procedures specified in subparagraphs (B) and (C), the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, and provide evidence that the charter petitioners believe their proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school and serve the best interests the school's pupils and their parents (guardians).	No
(E) If not otherwise covered under subparagraphs (A), (B), (C), and (D): 1. Provide for due process for all pupils and demonstrate an understanding of the rights of pupils with disabilities in regard to suspension and expulsion. 2. Outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.	No
Does the petition present a reasonably comprehensive description of suspension and expulsion procedures?	**No**

Comments:

The MATTIE Petition does not include a list of offenses for which students in the school must and may be suspended and, separately, the offenses for which students in the school must or may be expelled. Instead, the Petition includes in the same list the

offenses for which students “may” be suspended and/or expelled, and includes in the same list the offenses for which students “will” be suspended and/or expelled. Listing the offenses in this manner does not comply with the requirements set forth in 5 *CCR* Section 11967.5.1(f)(10)(A).

In addition, the MATTIE Petition does not include a “reasonably comprehensive” description of the procedures by which students can be suspended or expelled, or the procedures by which parents, guardians and students will be informed about reasons for suspension or expulsion and of their due process rights related to suspension or expulsion. Accordingly, the Petition does not comply with the procedures required by 5 *CCR* Sections 11967.5.1(f)(10)(B) and (C).

Finally, the MATTIE Petition does not demonstrate an understanding of the rights of students with disabilities in regard to suspension and expulsion, and does not indicate how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, as required by 5 *CCR* Section 11967.5.1(f)(10)(E)(1-2).

11. California State Teacher Retirement System, California Public Employees Retirement System, and Social Security Coverage	***EC* Section 47605(b)(5)(K)** **5 *CCR* Section 11967.5.1(f)(11)**
Evaluation Criteria The manner by which staff members of the charter schools will be covered by California State Teacher Retirement System (CALSTRS), California Public Employees Retirement System (CALPERS), or federal social security, as required by *EC* Section 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.	
Does the petition present a reasonably comprehensive description of CalSTRS, CalPERS, and social security coverage?	**Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization**

Comments:

The MATTIE charter petition includes a reasonably comprehensive description of the retirement programs offered by the school, the designated staff responsible for the arrangements of coverage, and specifies that the CEO will be responsible for ensuring appropriate arrangements for coverage.

Technical Amendment: To reflect SBE authorization the petition needs to to specify which positions will be covered under each retirement system.

12. Public School Attendance Alternatives	***EC* Section 47605(b)(5)(L)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools, as required by *EC* Section 47605(b)(5)(L), at a minimum, specify that the parent or guardian of each pupil enrolled in the charter school shall be informed that the pupil has no right to admission in a particular school of any local educational agency (LEA) (or program of any LEA) as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the LEA.	
Does the petition present a reasonably comprehensive description of public school attendance alternatives?	**Yes**

Comments:

The MATTIE charter petition presents a reasonably comprehensive description of the public school alternatives available to MATTIE students.

13. Post-employment Rights of Employees	***EC* Section 47605(b)(5)(M)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The description of the rights of any employees of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school, as required by *EC* Section 47605(b)(5)(M), at a minimum, specifies that an employee of the charter school shall have the following rights:	
(A) Any rights upon leaving the employment of an LEA to work in the charter school that the LEA may specify.	Yes
(B) Any rights of return to employment in an LEA after employment in the charter school as the LEA may specify.	Yes
(C) Any other rights upon leaving employment to work in the charter school and any rights to return to a previous employer after working in the charter school that the SBE determines to be reasonable and not in conflict with any provisions of law that apply to the charter school or to the employer from which the employee comes to the charter school or to which the employee returns from the charter school.	Yes
Does the petition present a reasonably comprehensive description of post-employment rights of employees?	**Yes**

Comments:

The MATTIE charter petition presents a reasonably comprehensive description of the post-employment rights of MATTIE employees.

14. Dispute Resolution Procedures	***EC* Section 47605(b)(5)(N)** **5 *CCR* Section 11967.5.1(f)(14)**
Evaluation Criteria The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to the provisions of the charter, as required by *EC* Section 47605(b)(5)(N), at a minimum:	
(A) Include any specific provisions relating to dispute resolution that the SBE determines necessary and appropriate in recognition of the fact that the SBE is not an LEA.	Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization
(B) Describe how the costs of the dispute resolution process, if needed, would be funded.	Yes
(C) Recognize that, because it is not a LEA, the SBE may choose to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, provided that if the SBE intends to resolve a dispute directly instead of pursuing the dispute resolution process specified in the charter, it must first hold a public hearing to consider arguments for and against the direct resolution of the dispute instead of pursuing the dispute resolution process specified in the charter.	Yes
(D) Recognize that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* Section 47604.5, the matter will be addressed at the SBE's discretion in accordance with that provision of law and any regulations pertaining thereto.	Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization
Does the petition present a reasonably comprehensive description of dispute resolution procedures?	**Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization**

Comments:

The MATTIE charter petition presents a comprehensive description of the school's dispute resolution procedures. MATTIE did not amend its petition to reflect the SBE as the chartering authority. However, in a letter submitted to the CDE on November 4, 2011, MATTIE stated its intention to amend the charter to reflect the SBE as the chartering authority, and to address subsection C, above.

Technical Amendment: To reflect SBE authorization, the CDE recommends the MATTIE charter petition be revised to incorporate the language specified in 5 *CCR* Section 11967.5.1(f)(14)(A) and (D).

15. Exclusive Public School Employer	***EC* Section 47605(b)(5)(O)** **5 *CCR* Section 11967.5.1(f)(15)**
Evaluation Criteria The declaration of whether or not the district shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 [commencing with Section 3540] of Division 4 of Title 1 of the *Government Code*), as required by *EC* Section 47605(b)(5)(O), recognizes that the SBE is not an exclusive public school employer and that, therefore, the charter school must be the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (EERA).	
Does the petition include the necessary declaration?	**Yes**

Comments:

The MATTIE charter petition makes clear that MATTIE shall be deemed the exclusive public school employer of charter school employees for the purposes of the EERA.

16. Closure Procedures	***EC* Section 47605(b)(5)(P)** **5 *CCR* Section 11962**
Evaluation Criteria A description of the procedures to be used if the charter school closes, in keeping with *EC* Section 47605(b)(5)(P). The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.	
Does the petition include a reasonably comprehensive description of closure procedures?	**Yes; Technical Amendment Would be Necessary to Reflect SBE Authorization**

Comments:

The MATTIE charter petition includes a reasonably comprehensive description of closure procedures pursuant to *EC* Section 47605(b)(5)(P) and 5 *CCR* Section 11962.

Technical Amendment: To reflect SBE authorization, the CDE recommends that MATTIE petitioners amend their petition to state that in the event of a closure, MATTIE will transmit to the CDE the following information: the effective date of the closure, a description of the circumstances of closure, and the location of pupil and personnel records.

ADDITIONAL REQUIREMENTS UNDER *EC* SECTION 47605

Standards, Assessments, and Parent Consultation	***EC* Section 47605(c)** **5 *CCR* Section 11967.5.1(f)(3)**
Evaluation Criteria Evidence is provided that:	
(1) The school shall meet all statewide standards and conduct the pupil assessments required pursuant to *EC* sections 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.	Yes
(2) The school shall, on a regular basis, consult with their parents and teachers regarding the school's educational programs.	Yes
Does the petition provide evidence addressing the requirements regarding standards, assessments, and parent consultation?	**Yes**

Comments:

The MATTIE charter petition states that MATTIE will meet all statewide standards and conduct all required state-mandated pupil assessments. The petition also includes a commitment by MATTIE to consult regularly with teachers regarding the school's educational programs.

Employment is Voluntary	***EC* Section 47605(e)** **5 *CCR* Section 11967.5.1(f)(13)**
Evaluation Criteria The governing board…shall not require any employee…to be employed in a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:

The MATTIE charter petition states that no public school district employee shall be required to work at the charter school.

Pupil Attendance is Voluntary	***EC* Section 47605(f)** **5 *CCR* Section 11967.5.1(f)(12)**
Evaluation Criteria The governing board…shall not require any pupil…to attend a charter school.	
Does the petition meet this criterion?	**Yes**

Comments:

The MATTIE charter petition states that enrollment is entirely voluntary on the part of the pupils.

Effect on Authorizer and Financial Projections	***EC* Section 47605(g)** **5 *CCR* Section 11967.5.1(c)(3)(A–C)**
Evaluation Criteria …[T]he petitioners [shall] provide information regarding the proposed operation and potential effects of the school, including, but not limited to:	
• The facilities to be utilized by the school. The description of the facilities to be used by the charter school shall specify where the school intends to locate.	Yes
• The manner in which administrative services of the school are to be provided.	Yes
• Potential civil liability effects, if any upon the school and the SBE.	Yes
The petitioners shall also provide financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation.	Yes
Does the petition provide the required information and financial projections?	**Yes**

Comments:

The petition contains the required information.

Academically Low Achieving Pupils	***EC* Section 47605(h)** **5 *CCR* Section 11967.5.1(f)(1)(F–G)**
Evaluation Criteria In reviewing petitions, the charter authorizer shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified by the petitioners as academically low achieving pursuant to the standards established by the State Department of Education under Section 54032 as it read prior to July 19, 2006.	
Does the petition merit preference by the SBE under this criterion?	**No**

Comments:

The MATTIE charter petition does not specifically or clearly address the needs of low achieving students. The petition only states that students who are failing academically would be referred to the Student Success Team to determine through the Response to Intervention model if students are eligible for special education services.

Teacher Credentialing	***EC* Section 47605(l)** **5 *CCR* Section 11967.5.1(f)(5)**
Evaluation Criteria Teachers in charter schools shall be required to hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.	
Does the petition meet this requirement?	**Yes**

Comments:

The MATTIE charter petition makes clear that teachers at MATTIE will be credentialed as required by law. The petition states that if the school should qualify for and receive federal Title I, part A monies, they will comply with the requirements of the Elementary and Secondary Education Act related to Highly Qualified Teachers.

Transmission of Audit Report	***EC* Section 47605(m)** **5 *CCR* Section 11967.5.1(f)(9)**
Evaluation Criteria A charter school shall transmit a copy of its annual independent financial audit report for the preceding fiscal year…to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited…, and the CDE by December 15 of each year.	
Does the petition address this requirement?	**Yes**

Comments:

The MATTIE charter petition provides a reasonable description of the transmission of the annual audit report.

Summary of Findings to Deny the Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter Petition from the Board of Education of the Los Angeles Unified School District (Detailed findings may be found in Attachment 4)

Finding #1: Los Angeles USD denied the charter on the ground that the petitioners are demonstrably unlikely to successfully implement the program set forth in the petition

- The budget submitted contains multiple fiscal problems
- The lead petitioners are the same administrative team of a previous MATTIE charter school revoked by Long Beach USD.

Finding #2: Los Angeles USD also denied the petition on the ground that the petition does not contain a reasonably comprehensive description of all of the elements required in *EC* Section 47605(b), including:

- Education program
- Measurable pupil outcomes
- Employee qualifications
- Health and safety
- Racial and ethnic balance achievement
- Admission requirements
- Annual independent audit
- Suspension and expulsion procedures

MATTIE Response:

Finding #1: Demonstrably unlikely to successfully implement the program set forth in the petition

The MATTIE petitioners state that their budget utilizes the Public Charter Schools Grant Program and that they will be able to apply for and receive the funding to assist in the startup and opening of the school. The MATTIE petitioners state that it is not unreasonable for a non-profit entity to raise $1.4 million over a five-year period. The MATTIE petitioners state that they are highly qualified educators with over 20 years of experience in education. They state that references to the previous MATTIE charter school revocation are not valid reasons for denial of a petition.

The petitioners included a letter of commitment and financial support from EdFutures. EdFutures will provide start-up and continuing development and operational services that support the administration of the charter school.

Finding #2: Petition does not contain a reasonably comprehensive description of all of the elements required in *EC* Section 47605(b)

- Education program: The petitioners unequivocally dispute the findings related to the education program. They state that the petition fully describes course offerings and includes a scope and sequence based upon the California Department of Education Curriculum Frameworks. The petitioners state that obsolete textbooks would not be used for as the core textbooks, but as a supplement. The petitioners further state that it is clear that independent study is for short term, case-by-case situations.

- Measurable pupil outcomes: The petitioners state that they are held to the same accountability requirements as any other public school.

- Employee qualifications: The petitioners state that they along with EdFutures will follow the federal and state laws, rules, and regulations pertaining to monitoring teacher credentials.

- Health and safety: The charter school assures that they will require all students enrolled to provide records documenting immunizations as required by law.

- Racial and ethnic balance achievement: The petitioners state that they will provide a plan to achieve and maintain Los Angeles USD ethnic balance ratio goals. A plan will be presented on request.

- Admission requirements: The petitioners affirm that they will not discriminate against any pupil for any other characteristics that is contained in the definition of hate crimes.

- Annual independent audit: The petitioners state that EdFutures will be responsible for the contracting and overseeing of the annual audit. The petitioners for resolution of audit findings will be presented to the district upon request.

- Suspension and expulsion procedures: The petitioners state that they have adequately addressed the issues regarding suspension/expulsion procedures in the petition.

CDE Response:

Finding #1: Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition

- The petitioners have a past history of involvement in a charter school of which the charter has been revoked.

- The petitioner's budget has a reliance on the Public Charter Schools Grant Program (PCSGP) in the amount of $600,000. The petitioners would be ineligible

for this grant per the California Department of Education Request for Application document which states:

> "If an applicant has previously spent PCSGP funds for the planning and/or initial operation of an SBE-numbered charter school, it must have the same number of open and operating charter schools as the number of PCSGP grants received."

Finding #2: Petition does not contain a reasonably comprehensive description of all of the elements required in *EC* Section 47605(b)

- Education program: The program described does not specifically address the needs of low achieving students. Additionally, there appears to be a reliance on GATE funding which the school would not receive to address the needs of the high achieving students.

- Measurable pupil outcomes: The CDE concurs with Los Angeles USD on this finding. The outcomes listed in the grant are those that are required. The petition does not specify intermediate goals.

- Employee qualifications: The CDE disagrees with Los Angeles USD. The *EC* does not require the school to identify an individual who would continuously monitor teacher credentials. The CDE agrees that this is a best or promising practice.

- Health and safety: The CDE concurs with Los Angeles USD per the CDE staff report, however, Los Angeles USD only needed to hold MATTIE to *EC* Section 47605(b)(5)(F) not 5 *CCR* Section 11967.5.1(f)(6).

- Racial and ethnic balance achievement: The CDE disagrees with Los Angeles USD and believes that the petition is reasonably comprehensive in its description of how they will achieve racial and ethnic balance.

- Admission requirements: The CDE finds the petition contains the required assurances regarding admission. However, a technical amendment is required to ensure that students of the district are given preference in the event of a lottery.

- Annual independent audit: The CDE concurs with Los Angeles USD per the CDE staff report.

- Suspension and expulsion procedures: The CDE concurs with Los Angeles USD on this finding per the CDE staff report.

Summary of Findings To Deny the Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter Petition from the Board of Education of the Los Angeles County Office of Education
Detailed findings may be found in Attachment 4.

Finding #1: The petition provides an unsound educational program:

- Lack of description of research-based instructional strategies, coursework, or the independent study program; the education program includes the use of obsolete textbooks.

- The mission statement is unclear as to how the school will matriculate students who are college or career ready based upon superior performance on standardized testing. The mission does not clearly speak to the matriculation of English learners, students with disabilities, and other student populations.

- There are not details supporting the intention to open “an innovative and progressive learning center” and the academic course requirements do not support a program that would prepare students to score in the top 10 percent nationally on standardized exams.

Finding #2: Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:

- Unrealistic financial and operational plan

- Unfamiliar with the requirements of law with respect to

    - Independent study
    - English learners
    - Due process requirements for suspension and expulsion
    - Closure procedures
    - Brown Act and Governmental Code

- The lead petitioners are the same administrative team of a previous MATTIE charter school revoked by Long Beach USD.

- Petitioners lack the necessary background in curriculum, instruction, and assessment.

- The petitioners lack background in finance and business management and do not have a plan to secure the services of individuals who have the necessary background.

Finding #3: The petition lacks a reasonably comprehensive description of eleven of the sixteen required elements:

- Proposed educational program contains deficiencies
- Proposed measureable pupil outcomes cannot be assessed by objective means that are frequent and sufficiently detail enough to determine whether pupils are making satisfactory progress
- Additional elements not reasonably comprehensive

MATTIE Response:

Finding #1: The petition provides an unsound educational program.

The petitioner states that the instructional program is based substantially on the California curriculum standards for grades six through twelve. The petitioner states that the instructional model which will be used with all students will be Universal Design for Learning, Sheltered Instructional Observation Protocol, online learning for credit recovery, course options, independent study, and dropout prevention. Enrichment and intervention activities will extend student learning.

Finding #2: Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

The petitioner states that they are highly qualified educators. They have re-organized the board and plan to contract with an Education Management Organization for business management since the revocation by Long Beach USD.
The petitioners are aware of the changed grant awards figures for the PCSGF and the competitive nature of the grant. They have been successful in receiving the grant in the past. They also aware of the possible delay in the Revolving Loan Fund and have developed additional sources for funding including applying to several private foundations.

They will be utilizing the services of ExED and EdFutures for support.

The petitioner states that independent study will be an alternative to classroom instruction consistent with the school's course of study.

The petitioner states that the due process requirements for suspension comply with county policies and procedures. They also state that school closure procedures included in the petition are boilerplate requirements from Los Angeles USD.

Finding #3: The petition lacks a reasonably comprehensive description of eleven of the sixteen required elements.

The petitioner states through numerous specific responses that the petition does include a comprehensive description of all sixteen elements required.

CDE Response:

Finding #1: The petition provides an unsound educational program.

Education program: The program described does not specifically address the needs of low achieving students but does include an education program description for socioeconomically disadvantaged students.

Finding #2: Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

- The petitioners have a past history of involvement in a charter school of which the charter has been revoked.

- The petitioner's budget has a reliance on the Public Charter Schools Grant Program (PCSGP) in the amount of $600,000. The petitioners would be ineligible for this grant per the California Department of Education Request for Application document which states:

> "If an applicant has previously spent PCSGP funds for the planning and/or initial operation of an SBE-numbered charter school, it must have the same number of open and operating charter schools as the number of PCSGP grants received."

Finding #3: Petition does not contain a reasonably comprehensive description of all of the elements required in *EC* Section 47605(b)

- Education program: The program described does not specifically address the needs of low achieving students. There appears to be a reliance on GATE funding which the school would not receive to address the needs of the high achieving students.

- Health and safety: The CDE concurs with Los Angeles COE per the CDE staff report, however, Los Angeles COE only needed to hold MATTIE to *EC* Section 47605(b)(5)(F) not 5 *CCR* Section 11967.5.1(f)(6).

- Racial and ethnic balance achievement: The CDE disagrees and believes that the petition is reasonably comprehensive in its description of how they will achieve racial and ethnic balance.

- Admission requirements: The CDE finds the petition contains the required assurances regarding admission. However, a technical amendment is required to ensure that students of the district are given preference in the event of a lottery.

- Annual independent audit: The CDE concurs with Los Angeles COE per the CDE staff report.

- Suspension and expulsion procedures: The CDE concurs with Los Angeles COE per the CDE staff report.

STATE BOARD OF EDUCATION
STANDARD CONDITIONS ON OPENING AND OPERATION

- **Insurance Coverage.** Prior to opening**,** (or such earlier time as school may employ individuals or acquire or lease property or facilities for which insurance would be customary), submit documentation of adequate insurance coverage, including liability insurance, which shall be based on the type and amount of insurance coverage maintained in similar settings.

- **MOU/Oversight Agreement.** Prior to opening, either (a) accept an agreement with the State Board of Education (SBE), administered through the California Department of Education (CDE), to be the direct oversight entity for the school, specifying the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities; or (b) enter into an appropriate agreement between the charter school, the SBE (as represented by the Executive Director of the SBE), and an oversight entity, pursuant to the California *Education Code* (*EC*) Section 47605(k)(1), regarding the scope of oversight and reporting activities, including, but not limited to, adequacy and safety of facilities.

- **Special Education Local Plan Area Membership.** Prior to opening, submit written verification of having applied to a Special Education Local Plan Area (SELPA) for membership as a local educational agency and submit either written verification that the school is (or will be at the time pupils are being served) participating in the SELPA, or an agreement between a SELPA, a school district that is a member of the SELPA, and the school that describes the roles and responsibilities of each party and that explicitly states that the SELPA and the district consider the school's pupils to be pupils of the school district in which the school is physically located for purposes of special education programs and services (which is the equivalent of participation in the SELPA). Satisfaction of this condition should be determined by the Executive Director of the SBE based primarily on the advice of CDE staff following a review of either (1) the school's written plan for membership in the SELPA, including any proposed contracts with service providers; or (2) the agreement between a SELPA, a school district, and the school, including any proposed contracts with service providers.

- **Educational Program.** Prior to opening, submit a description of the curriculum development process the school will use and the scope and sequence for the grades envisioned by the school; and submit the complete educational program for pupils to be served in the first year including, but not limited to, a description of the curriculum and identification of the basic instructional materials to be used; plans for professional development of instructional personnel to deliver the curriculum and use the instructional materials; and identification of specific assessments that will be used in addition to the results of the Standardized Testing and Reporting (STAR)

program 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 Planning 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 Planning 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 staff. Satisfaction of this condition is determined by the Executive Director of the SBE based primarily on the advice of the Director of the Charter Schools Division.

- **Processing of Employment Contributions.** Prior to the employment of any individuals by the school, present evidence that the school has made appropriate arrangements for the processing of the employees' retirement contributions to the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS).

- **Operational Date.** If any deadline specified in these conditions is not met, approval of the charter is terminated, unless the SBE deletes or extends the deadline not met. If the school is not in operation by September 30, 2012, approval of the charter is terminated.

Table 1: 2011 Demographic Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
Student Enrollment	3392	3280	2299	1363	1824	1957	801	2142	606
% Black or African American	4.1	17.3	26.5	19.5	9.6	1.3	60.4	4.5	4.0
% American Indian or Alaska Native	0.2	0.9	0.4	0.6	0.2	0.4	0.5	0.8	1.0
% Asian	0.3	2.8	3.9	1.2	1.9	0.2	0.4	21.9	13.7
% Filipino	1.3	21.8	2.2	14.8	19.6	0.8	0.4	10.8	4.8
% Hispanic or Latino	90.2	49.1	64.8	54.1	61.5	95.4	37.0	29.9	39.9
% Native Hawaiian or Pacific Islander	1.7	4.7	0.8	7.1	3.9	0.7	0.4	0.6	2.0
% White	1.6	2.9	1.0	2.6	3.2	1.3	1.0	28.4	28.9
% Two or More Races	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.6	2.8
% Socioeconomically Disadvantaged	74.0	57.0	67.1	78.7	69.2	86.8	50.8	26.0	44.4
% English Learners	49.2	24.3	39.6	23.5	25.8	48.6	19.7	15.0	19.0
% Students with Disabilities	15.1	10.5	9.6	10.6	11.2	14.3	9.7	8.4	14.5

Data source used "DMDSQL1.EDdemo2.vwSSIDenroll"

Table 2: 2011 Truancy, Suspension, and Expulsion Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
Enrollment	3393	3281	2299	1363	1824	1957	801	2142	606
Truancy Number (Rate)	3080(90.8)	2763(84.2)	2251(97.9)	873(64)	1108(60.7)	1056(54)	673(84)	397(18.5)	1(0.2)
Suspension Number (Rate)	220(6.5)	326(9.9)	258(11.2)	58(4.3)	176(9.6)	104(5.3)	200(25)	411(19.2)	165(27.2)
Expulsion Number (Rate)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	6(0.3)	2(0.3)

Data source was a provided spreadsheet "umirs1011.xls"

Table 3. Academic Performance Index (API) Growth for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
API Growth for 2010-11	14	12	33	5	1	39	56	-1	1
API Growth for 2009-10	34	30	12	27	5	21	0	17	32
API Growth for 2008-09	7	B	-15	1	26	6	9	25	10
API Growth for 2007-08	1	6	30	29	37	36	48	3	-9

Data source used "API08gdb.dbf, API09gdb.dbf, API10gdb.dbf, API11gdb.dbf"

Table 4: 2011 Growth Academic Performance Index (API) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
Valid Scores Schoolwide	2525	2366	1561	1267	1741	1862	731	1470	581
Schoolwide	659(14)	652(12)	619(33)	703(5)	755(1)	729(39)	706(56)	812(-1)	815(1)
Black or African American	598(-)	586(9)	532(34)	650(-14)	691(15)	636(-)	641(43)	738(-)	769(-)
American Indian or Alaska Native	-	662(-)	-	-	-	-	-	-	-
Asian	-	795(-)	730(-)	823(-)	851(-)	-	-	864(24)	873(-)
Filipino	756(-)	737(12)	757(-)	819(-9)	839(-8)	871(-)	-	848(-11)	911(-)
Hispanic or Latino	645(14)	611(12)	592(35)	682(15)	731(1)	689(38)	656(74)	772(-40)	752(1)
Native Hawaiian or Pacific Islander	603(-)	597(47)	692(-)	660(-)	769(-)	736(-)	-	-	-
White	712(-)	678(-)	754(-)	647(-)	724(-)	720(-)	-	812(23)	861(-12)
Two or More Races	-	612(-)	510(-)	-	-	-	-	830(-)	786(-)
Socioeconomically Disadvantaged	647(10)	634(10)	591(36)	686(7)	740(4)	692(32)	645(58)	760(-6)	765(-16)
English Learners	581(14)	560(5)	540(36)	610(6)	665(2)	639(27)	599(73)	771(-47)	755(-55)
Students with Disabilities	425(8)	412(-8)	345(43)	435(-7)	475(26)	425(49)	393(-)	547(-)	642(-)
Statewide/Similar Schools Rank	2/5	2/1	1/1	2/2	5/4	2/3	1/2	8/4	7/4

Data source used, "API11gdb.dbf, API10bdb.dbf"

- The Growth API is not displayed when there are less than 11 valid scores
(-) The student group is not numerically significant, therefore no growth determination was made

Table 5: 2011 Adequate Yearly Progress (AYP) Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
Met AYP Criteria	No	No	No	No	No	No	No	No	No
# Criteria Met/# Criteria Applicable	11/22	18/26	18/22	18/29	16/29	13/21	18/21	18/22	13/21
2011-12 Program Improvement (PI) Status	In PI	In PI	In PI	In PI	In PI	In PI	In PI	Not Title 1	In PI
2011-12 Program Improvement (PI) Year	Year 3	Year 5	Year 5	Year 5	Year 5	Year 5	Year 5	NA	Year 2

Data source used, "APR11adb.dbf, schlpi11.dbf"

Table 6: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in English-Language Arts (ELA) for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

ELA % Proficency Target: 66.7

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
Number of Valid Scores Schoolwide	739	722	448	1266	1741	1861	730	489	581
Schoolwide (Met Target)	46.8(No)	51.7(Yes)	48.9(Yes)	38.6(No)	47.6(No)	37.8(Yes)	38.9(Yes)	70.1(Yes)	63.2(No)
Black or African American (Met Target)	37.0(--)	45.0(No)	40.4(No)	29.5(No)	39.6(Yes)	25.0(--)	35.3(Yes)	60.0(--)	45.5(--)
American Indian or Alaska Native (Met Target)	-	-	-	-	-	-	-	-	-
Asian (Met Target)	-	68.2(--)	73.3(--)	41.7(--)	77.8(--)	-	-	82.9(Yes)	84.6(--)
Filipino (Met Target)	50.0(--)	69.2(Yes)	46.2(--)	54.2(No)	62.1(No)	61.5(--)	-	84.3(--)	77.8(--)
Hispanic or Latino (Met Target)	47.1(No)	44.9(No)	49.7(Yes)	37.6(No)	43.4(No)	37.3(Yes)	42.3(Yes)	52.0(No)	52.8(Yes)
Native Hawaiian or Pacific Islander (Met Target)	31.2(--)	45.9(--)	-	29.2(--)	40.0(--)	50.0(--)	-	-	66.7(--)
White (Met Target)	66.7(--)	55.0(--)	-	50.0(--)	51.8(--)	62.5(--)	-	72.3(Yes)	68.4(Yes)
Two or More Races (Met Target)	-	-	-	-	-	-	-	-	75.0(--)
Socioeconomically Disadvantaged (Met Target)	45.3(No)	48.0(No)	48.9(No)	35.7(No)	44.1(No)	36.6(No)	38.3(Yes)	57.4(No)	49.4(No)
English Learners (Met Target)	31.3(Yes)	23.7(No)	29.9(Yes)	17.4(No)	25.3(No)	21.2(No)	27.6(Yes)	47.0(--)	35.2(No)
Students with Disabilities (Met Target)	14.7(No)	18.8(--)	17.1(--)	16.7(No)	20.0(No)	12.6(No)	14.1(--)	21.9(--)	47.0(--)

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Table 7: 2011 Adequate Yearly Progress (AYP) Data: Percent Proficient in Mathematics for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

Math % Proficency Target: 66.1

School Name	Phineas Banning Senior High	Carson Senior High	Gardena Senior High	Andrew Carnegie Middle	Stephen M. White Middle	Wilmington Middle	Glenn Hammond Curtiss Middle	Torrance High	J. H. Hull Middle
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19647336057913**	**19647336058366**	**19647336058374**	**19647336066294**	**19650601938752**	**19650606068878**
Number of Valid Scores Schoolwide	728	725	468	1267	1737	1858	730	493	581
Schoolwide (Met Target)	48.4(No)	46.8(Yes)	37.4(Yes)	34.9(No)	41.5(No)	35.7(No)	26.2(No)	67.7(Yes)	43.4(No)
Black or African American (Met Target)	36.0(--)	36.8(Yes)	18.5(No)	21.1(No)	24.5(No)	6.2(--)	21.9(No)	44.0(--)	18.2(--)
American Indian or Alaska Native (Met Target)	-	-	-	-	-	-	-	-	-
Asian (Met Target)	-	61.9(--)	75.0(--)	41.7(--)	81.5(--)	-	-	89.2(Yes)	82.1(--)
Filipino (Met Target)	75.0(--)	66.0(Yes)	38.5(--)	55.7(Yes)	56.9(No)	76.9(--)	-	76.5(--)	48.1(--)
Hispanic or Latino (Met Target)	48.3(No)	41.9(No)	41.2(Yes)	33.9(Yes)	37.8(No)	35.4(No)	30.5(Yes)	50.0(No)	31.6(No)
Native Hawaiian or Pacific Islander (Met Target)	46.2(--)	40.5(--)	-	27.0(--)	46.2(--)	50.0(--)	-	-	33.3(--)
White (Met Target)	50.0(--)	33.3(--)	-	43.8(--)	39.3(--)	41.7(--)	-	69.5(Yes)	49.7(No)
Two or More Races (Met Target)	-	-	-	-	-	-	-	-	37.5(--)
Socioeconomically Disadvantaged (Met Target)	48.0(No)	45.2(No)	39.0(No)	33.9(Yes)	39.7(No)	35.2(No)	25.6(No)	52.9(No)	27.2(No)
English Learners (Met Target)	37.7(Yes)	26.9(No)	28.1(Yes)	21.7(No)	29.1(No)	27.2(No)	23.7(Yes)	52.9(--)	26.9(No)
Students with Disabilities (Met Target)	16.5(No)	10.4(--)	5.6(--)	13.5(No)	14.1(No)	15.4(No)	21.5(--)	27.8(--)	27.7(--)

Data source used, "APR11adb.dbf, schlpi11.dbf"

-- Percent proficient is not displayed when there are less than 11 valid scores
(--) The student group is not numerically significant, therefore no AYP determination was made

Table 8: High School Academic Data for the Surrounding Schools Where Pupils Would Otherwise be Required to Attend

Grade Ten CAHSEE Passage Rates

School Name	Banning (Phineas) Senior High	Carson Senior High	Gardena Senior High	Torrance High
CDS Code	**19647331930650**	**19647331931526**	**19647331933241**	**19650601938752**
ELA/Math Number Tested	104/102	64/62	33/34	29/9
School wide ELA/Math	74.0/78.0	78.0/78.0	82.0/73.0	90.0/94.0
Black or African American ELA/Math	59.0/59.0	75.0/64.0	76.0/61.0	93.0/93.0
American Indian or Alaska Native ELA/Math	0/0	0/0	0/0	0/0
Asian ELA/Math	0/0	96.0/91.0	81.0/76.0	94.0/99.0
Filipino ELA/Math	91.0/91.0	87.0/88.0	92.0/85.0	94.0/96.0
Hispanic or Latino ELA/Math	74.0/80.0	75.0/78.0	84.0/76.0	79.0/83.0
Native Hawaiian or Pacific Islander ELA/Math	75.0/77.0	76.0/81.0	0/0	0/0
White ELA/Math	69.0/54.0	70.0/67.0	0/0	94.0/98.0
Two or More Races ELA/Math	-	0/0	0/0	100.0/100.0
Socioeconomically Disadvantaged ELA/Math	72.0/79.0	77.0/77.0	82.0/74.0	84.0/88.0
English Learners ELA/Math	32.0/48.0	22.0/35.0	43.0/46.0	51.0/62.0
Students with Disabilities ELA/Math	22.0/38.0	19.0/19.0	30.0/24.0	48.0/0
Cohort Graduation Rate	74.06	70.62	61.53	96.12
Cohort Dropout Rate	16.1	23.1	33.3	2.5

Data source used, "CAHSEE2011.txt, EdData.txt"

English Language Arts (ELA)

M.A.T.T.I.E.

(Multicultural Achievement Technology Teaching & Innovative Experiences)

ACADEMY OF CHANGE

Charter School

Charter School Petition

Presented to

Los Angeles Unified School District
333 S. Beaudry Avenue
Los Angeles, CA 90017
January 7, 2011
Revised May 13, 2011

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Letter of Intent to Apply for a Charter School

LOS ANGELES UNIFIED SCHOOL DISTRICT
Innovation and Charter Schools Division

Name of proposed charter school___**MATTIE ACADEMY OF CHANGE**_____

General location of proposed charter____**Carson, Calif.**_____

Projected Grade Levels-Year 1___**6-12**__ Projected Grade Levels-Year 5____**6-12**____

Projected Enrollment-Year 1 ___**525**____ Projected Enrollment-Year 5_____**525**_____

Lead Petitioner Information:

Name _____Dr. Denice Price_____

Address_____17710 Sycamore St., Carson, California 90746_____

Phone number(s) _____562-480-2947_____Fax___310-635-6766__

E-mail address _____ denicecp@aol.com _____

Other members of the Charter Development team

_____Greta Price_____ _____Erik McKee_____

_____Harvetta Kashka____ _____Aldina Washington___

_____Blanche Cook_____ _____

Certification:

X__I/we certify that we are interested in applying for a charter school within LAUSD boundaries.

X___I/we have participated in the Orientation Meeting given by the LAUSD Charter Schools Division.

__Denice Price_____ _____ _____
PRINT NAME **SIGNATURE** **DATE**

MATTIE ACADEMY Charter Briefing

MATTIE Academy of Change Charter School (MATTIE Academy) is a public middle/high school planning to serve 525 inner-city, at-risk students in grades 6 thru 12 in a No Child Left Behind Title I area of Carson California. We do not charge tuition, nor do we discriminate by race, ethnicity, national origin, gender or disability. The target neighborhood and facility is in Carson California.

The city of Carson does meet the board policy of low API scores at the middle and high school level.

MATTIE Academy has not applied to any other jurisdiction for charter approval. We do not have any sister schools in the district or any other jurisdiction.

Mission and Vision
The MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change is an innovative and progressive learning center that embraces cultural, linguistically, and developmental differences of its student body. The mission of this innovative charter school is to promote academic success in each grade 6-12 student through thinking, problem solving and in-dept learning at the secondary and post-secondary level. We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing.

Our academy is designed to collaborate with communities, agencies and colleges to act as a catalyst for change to address vital aspects of students by raising their standard of living in their communities. We believe that a systematic and sustained emphasis on education and life skills will help remove students from negative lifestyles that have inhibited their development as constructive and successful citizens positively contributing to society.

We believe our students deserve the highest quality education possible. Further, we believe that students should be actively involved in their community and that that there should be learning opportunities that are both appropriately differentiated and substantive in grades 6-12, and linked meaningfully to the core content areas of language, math, social studies, and science. It is our fundamental belief that all students who matriculate from the Academy should be amply prepared to successfully compete for both college admission and career performance and promotion. We believe that parents should continuously be involved and engaged in every aspect of our school culture.

We envision a learning community that respects the unique need and strengths of each student, emphasizing cognitive, imaginative, creative, social, emotional and physical development. Integrating an ethos of service and environmental stewardship, we hope to provide a unique opportunity for personal growth for all who are affiliated with our school.

Board of Directors
MATTIE Academy shall function as a nonprofit organization pursuant to California law. The school will be governed pursuant to the bylaws adopted by the incorporators. The governing board's major roles and responsibilities will include establishing and approving all major educational and operational policies, approving all major contracts, approving the school's annual budget, overseeing the school's fiscal affairs, selecting and evaluating the top

administrative staff. The Board of Directors will be non-sectarian in all its programs, policies, and practices. Members of the Board of Directors will be selected based on community involvement, subject area expertise, and their dedication and commitment to the education of youth.

The Board of Directors will include six (6) board members, and no less than three (3). The Board of Directors will represent the community-at-large by including educators, business leaders, clergy, community activists, and parents. Additionally, one representative of the Los Angeles Unified School District will sit on the school's governing board. In order to prevent any real or perceived conflict of interest or incompatibility of office, this district representative will serve as a non-voting member who facilitates communication and mutual understanding between the charter school and the district.

The Board of Directors are selected on their individual expertise along with their love for children and the opportunity to help and make a difference in the life of a child. A short snippet of information on each member is listed below and the full resume can be found in appendix.

- **Roger Branch Jr.** – Mr. Branch received his Associates Degree in Accounting and Finance and has been an employee for the U.S. Postal Service as an Accounting Technician. Mr. Branch is responsible for the accounting of thirty two post offices in the Inglewood area. Mr. Branch is very involved with his community by volunteering in public schools for Local District 8 in Los Angeles Unified School District for the past ten years.

- **Naomi C. Ferns** – Naomi Ferns has over thirty years of experience working in the Compton Unified School District in various positions including, but not limited to, Executive Assistant to the Superintendent/Associate Superintendent, Assistant to the Superintendent/Director of Secondary, Director of Student Support Services, Elementary/Middle School Principal, Psychologist and classroom teacher.

  Naomi Ferns has a Bachelor of Arts Degree in Elementary Education from California State University, Long Beach. While attending California State University, Long Beach, Naomi Ferns continued her education and received a Masters Degree in Elementary Education. In an effort to enhance her educational knowledge, Naomi Ferns attended Pepperdine University where she completed graduate courses in Curriculum, Administration and Psychology.

- **William D. Keith, M.D. –** Dr. Keith has a private practice limited to dermatology specializing in general medical dermatology, cosmetic dermatological surgery, related skin diseases, and dermatologic medical-legal evaluations. Dr. Keith received his Bachelors of Science Degree of Pharmacy from the University of Washington, School of Pharmacy in addition to a graduate degree from the School of Public Health. Dr. Keith received his medical degree from the University of Washington, School of Medicine in 1973 then went on to finish his internship, residency and fellowship.

- **Michael Luther DDS, MPH** - Michael Luther has been a practicing Orthodontist in the Los Angeles area for the past 25 years. After receiving a degree in Dental Surgery at Howard University, Dr. Luther attended the John Hopkins University receiving a Master of Public Health Degree. Dr. Luther later returned to Howard University to complete a residency in Orthodontics.

Dr. Luther has been involved in the financial community as Co-Founder of "Funding Your Dream" a nonprofit organization to help inner city businesses obtain start-up funding. Additionally Dr. Luther was a founding Board Member of Line Hawkes Inc., a venture capital fund with 350 million dollars under management.

As a member of the Kappa Alpha Psi Fraternity, Dr. Luther serves as a mentor and advisor to youth with special emphasis on college preparation and career choices.

- **Bishop Emery Lindsay -** Bishop Lindsay is a graduate of Central Baptist Theological Seminary, and has served as a pastor for the Church of Christ (Holiness) USA for over 35 years. He was elected President of the Sunday School and HYPU Congress in 1980. Bishop Lindsay has emphasized as his theme, "excellence in performance and service for Christ".

- **Joycelyn Adams -** Joycelyn Adams has over 15 years experience in the public school system. She has worked as an Administrative Assistant in a large urban elementary school. She has served as President of the School Site Council, as parent representative and presented in the National Equity Schools conference with the Foster Elementary School.

Top Leaders / Charter Development Team

A graduate of UCLA, Denice C. Price Ed.D earned her doctorate degree in Educational Leadership. Dr. Price's dissertation was; "A Description of the Parental Involvement Program at the Stephen C. Foster Elementary School". Dr. Price has served as a principal, teacher and counselor for several districts in Los Angeles County. Additionally, she served as an external evaluator and a contracted consultant for the Los Angeles County Office of Education assigned to LAUSD Local District 8. She has also served as assistant professor in Educational Administration (Graduate) at CSUDH and CSULB. Dr. Price has managed the administrative operations at various schools while overseeing multi-million dollar general fund and categorical budgets. She has also coached and provided assistance to new and aspiring principals as well as support to principals of " high priority schools" in Los Angeles County. When Compton Unified School District's test scores were below national average, Dr. Price was recruited by the State Administrator to provide leadership as a Principal and led her students in grades K-5 to substantial improvements. Dr. Price recently completed the ACSA Superintendent's Academy and received recognition from Turning Point magazine as a Living History Maker in the educational category. She has also published an article in ACSA, Educational Leadership Magazine "Do the Right Thing," October 1997.

Greta D. Price, Ed.D. has served in Long Beach Unified School District as a No Child Left Behind Administrator, Staff Development Coordinator and a Language Arts Specialist for the federally funded Title I program. As a Coordinator of Categorical Projects, Instructional Improvement Coach, and District Coordinator of Staff Development, Dr. G. Price's ability to use various skill sets to meet the needs of the school district is imperative to curriculum enhancement. When representing the district on the Middle School California State Textbook Selection Committee, Dr. G. Price was an intricate part of the state textbook adoption process. In addition to her attributes, Dr. G. Price sat on the Executive Board of the National Council of Teachers of English where she represented and made decisions for the nations Middle Schools in English Language Arts. Dr. G. Price, a graduate of the University of California Los Angeles, completed the Superintendent's Academy and the Curriculum Academy.

Mr. Erik McKee is a USC graduate with a B.S. in Public Administration and a M.S. in Counseling and Educational Administration. He has experience working with at-risk students in low

performing school districts in both Southern and Northern California. He has served as Principal in various school districts at the Middle, High, and Adult school level. As an Assistant Principal, he received recognition for implementing an attendance/tardy policy that reduced truancies and tardiness. Under his leadership as principal, the school embraced the High Performance Site-Based Management Model, a Collaborative with USC, the Haynes Foundation and Los Angeles County Office of Education. In addition, Mr. McKee served as a Guidance Counselor at Bancroft Middle School in the Long Beach unified School District. Additionally, Mr. McKee has successfully led the self –study in WASC accreditation, coordinated the self-study evaluation to assess the school's educational programs to develop a plan to align ongoing improvement of the school's program with WASC high quality criteria. As a former NFL player, Mr. McKee is a motivational speaker, anti-drug advocate, personnel recruiter for teachers and is determined to highlight the importance of education to our youth. He was featured in Education Week, December, 1995 for his accomplishments.

Ms. Aldina Washington: Received a Masters in Business Administration from Keller Graduate School of Management with a focus in Finance, Human Resources, Operations, and Project Management. She also holds a Bachelors of Arts degree in Organizational Management from Southern California College. She has contributed to community programs using her skills, knowledge, and abilities in business administration, non-profit development, and grant writing focusing on their passion and life work by being more efficient and effective in an increasingly challenging environment.

Ms. Washington is the founder of Thirst 4 Knowledge; this business has four major components: business structure and infrastructure, governance and compliance, program development, financial management and budgets.

Ms. Harvetta Kashka is an alumna of Rockhurst University in Kansas City, MO. She has earned her Bachelor of Science degree in Business Administration and Certification in Project Management. Ms. Kashka is a business management professional with over 30 years experience encompassing various aspects of business operations: Project Management and Strategic Planning, Customer Relations and Client Interface, System and Business Analysis, Financial and Tax Accounting, and Disaster Recovery Planning.

Ms. Kashka served as Treasurer and CFO for the BDPA Education Technology Foundation for 7 years. She also served 4 years as the National Finance Director for the National BDPA Information Technology Thought Leaders. Previous organizational memberships included the National Association of Female Executives, Project Managers Association, and the NAACP. Her involvement in past community activities included Junior Achievement Advisor, United Way Advisory Council, and the Urban League of Los Angeles. Ms. Kashka was highlighted in the *Two Thousand Notable American Women, Eighth Edition* publication.

Dr. Blanche Cook, Special Education Consultant**:** Dr. Cook has been a pro-active educator for over 25 years. The motto that drives her passion throughout her public education career is: "A mind is a terrible thing to waste." As a public school teacher in special education she taught students at the secondary level with high expectations and with rigor. She wrote grants for computers for the Special Education Department and developed an on campus and community work program for students with special needs. Many of her students were exited out of special education and were placed in general education. Some of the students in her classes went on to college or were hired to work for the city government or for private businesses.

Dr. Cook's educational background includes a Bachelor's degree in Liberal Studies, a Master's degree in Public Administration, Doctoral degree in Educational Leadership, and Special Education teaching credentials as well as her Administrative credential from state universities in Southern California.

Prop. 39 –Application Submitted?
Per LAUSD, Prop 39 application is not necessary at this time.

Source of Funding
The budget of MATTIE Academy is geared directly toward the structure and needs of the school. The main sources of funding will be through the Charter Schools General Purpose Entitlement, State Apportionments, and Federal Categorical funding. An application to the Joseph Droans Foundation and other philanthropic foundations that focus on educating at-risk students in underserved communities, is in progress.

MATTIE Academy has partnered with Ed Futures, Inc as it relates to the school's operational and financial responsibilities. Ed Futures is an educational management organization (EMO) that was formed to create performance-oriented, cost-effective, public brick and mortar, K-12 charter schools in underserved communities. Ed Futures, funded by the Walton Foundation, will be profit and loss responsible for the setup, launch, and operation of the charter.

Ed Futures (EDF) shall be responsible for all MATTIE Academy operational activities, including start up needs, such as personnel, equipment, books, supplies, materials and cash flow. It is understood that while EDF is responsible for obtaining such funds all funds will either be grant, operating or debt capital**.**

It is recognized between the parties that EDF has the authority to capture and direct the utilization of any excess of revenues over expenditures. In the event that expenses exceed revenues, EDF, under agreement, would be responsible for any cost overruns. (See EdFutures letter in Appendix F)

Our budget has been crafted with the basic intent of hiring competent, capable and responsible persons in all capacities.

Long-range financial planning includes identifying and seeking support from government agencies, foundations, corporations and other organizations that provide funds for charter schools.

What innovative elements of your charter could be considered "best practices" and replicated by other schools?

The following Best Teaching Practices will be implemented at MATTIE ACADEMY.

- The MATTIE Academy of Change will embrace the system of what is referred as SCHOOL-BASED MANAGEMENT or SITE-BASED DECISION MAKING. This system allows for all school stake holders to be actively involved in the decision making process relative to all aspects of the school. Specifically, leadership councils are established and are responsible for making decisions to be communicated and responded to by the faculty and whole school community. Our goal is to eventually have a Governance Council which will include a representative from each council (SSC, SAC, and BAC) who will be involved in the decision making practice for the school. Decisions are typically made in the areas such as:

- Budget
- Personnel
- Curriculum
- Professional development/training (administration, faculty, and parents)
- School environment
- School governance systems
- Other areas that directly support student achievement

We are committed to and embrace the following resources that will result in high performance for all students:

- Empowerment
- Professional development/training
- Information
- Leadership
- Instructional Guidance System
- Rewards (Extrinsic and Intrinsic)

- Provide CAHSEE TEST PREP to students who will be taking the test this school year. Our goal is to ensure that the students have a strong understanding of the test format and the types of questions/problems on the test. This will help the students feel prepared to take the test.

- Daily Reinforcement Activities will be provided by the period one teacher in the following areas: Vocabulary Development – a word for the week, a Writing Prompt, a Math Problem, and a Conflict-Resolution Situation which allow students to state how they would resolve the conflict. Our goal is to support the student's retention of important knowledge/skills on a consistent basis.

- The teachers in the school's daily instructional program will implement the California State Content Standards for each core subject. MATTIE will instill this practice to be in compliance with the California Educational Subject Frameworks. This practice will ensure that our students are learning what is expected for each subject at their grade level.

- The school will invite the Los Angles County Office of Education to do presentations on Teaching Practices that will enhance our instructional program as their workshops reflect the latest research based factual evidence of effective teaching practices. Our goal is to keep our teachers abreast of the latest information that improves a schools' academic program and our teachers' instructional delivery performance.

- The school will invite the various city agencies such as the Department of Health; the Office provides a Substance Abuse Program designed for teens that inform students the dangers of Substance Abuse. Many teen students have personal issues that require professional help. We hope to inform our students of the various agencies that they can go to for help regarding issues that are affecting their lives.

- The school's Per Diem Educational Consultants will provide Professional Development to the staff on a regular basis. Topics to be addressed will be based on the students' learning needs and on the effective teaching strategies that would address a specific learning need. SDAIE teaching practices will be addressed in the staff development workshop to ensure that teachers' will address the learning needs of our English Language Learners. Our goal

is to ensure that all students are receiving a high quality instructional program that prepares them for the 21st Century workforce.

- The school will provide small classes of the core subject classes with 29 students or less. This arrangement will provide the teacher the opportunity to support the immediate learning needs of the students in the class. It is a best teaching practice to provide students with a nurturing learning environment that allows students an opportunity to be an active participant in the learning process.

- The school will provide a weekly Intervention Day whereby students can select a subject that interests them. The school will offer a 12 week Writing Program whereby students can develop their writing skills, a Life Skills class that teaches daily living skills that support them in taking care of their individual needs, a Computer course that supports the students' learning the various programs that can be used in the workforce, such as Excel, Access, etc. Another important intervention class will be a class that describes the types of jobs that are in the workforce and the requirements that they will need to enter that specific job market.

- The school will have After School Enrichment program which will include tutorials and a comprehensive Resource Center that will be available to all students.

AFFIRMATIONS and ASSURANCES

MATTIE Academy of Change shall:

- Be nonsectarian in its programs, admission policies, employment practices and all other operations.
- Not charge tuition.
- Not discriminate against any student on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code.
- Admit all pupils who wish to attend the school. EC 47605(d)(2)(A)
- Determine admission by a public random drawing, if the number of pupils who wish to attend the school exceeds the school capacity, and preference shall be extended to pupils who currently attend the Charter School and pupils who reside in the District. EC 47605(d)(2)(B)
- Not enroll pupils over nineteen (19) years of age unless continuously enrolled in public school and making satisfactory progress toward high school diploma requirements.
- Not require any child to attend the charter school nor any employee to work at the charter
- school.
- In accordance with Education Code Section 48200, if a pupil is expelled or leaves the charter school without graduation or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.

Initial Screening Checklist

See following pages

Los Angeles Unified School District
Innovation and Charter Schools Division

CHARTER SCHOOLS GUIDELINES CHECKLIST – INITIAL SCREENING

Charter School Name: MATTIE Academy of Change Date: 01/06/2011
Contact Person: Dr. Denice C. Price Phone No.: 562-480-2947 Fax No.: 310-635-6766

SUMMARY CONTENTS							
* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	1. Approval Documentation						47605 (1) (2)
	• Supporting signatures of:						47605(3)
___	• conversion charter: 50% of permanent status teachers at the school site						
___	• start-up charter: 50% of parents who intend to enroll children						
	or						
___	• 50% of teachers who intend to be employed at the school during first year of operation						
147	• petition includes prominent statement of meaningful interest to start a charter (board						
147	resolution)						
	• resume and questionnaire for all board members						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
2, 10 2, 10 2, 10 10 10 10 10	2. Assurances that school will: • be non-sectarian in programs, admission policies, employment practices and other operations • not charge tuition • not discriminate against any student on the basis of ethnicity, national origin, gender or physical or mental disability (religion, race, color, medical condition, sexual condition, sexual orientation) • not enroll pupils over 19 years of age unless continuously enrolled in public school and making satisfactory progress toward high school diploma requirements • not require any child to attend a charter school nor any employee to work at a charter school • if pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information. • A charter school shall admit all students who wish to attend.						47605 (d) (1) 47612 (a) (1) 47605 (e) (f)
27	3.Description of which students will attend the school						47605 (d) (1) 47605 (d) (2) (A) (B)
27	4. Duration of initial charter petition: 5 years						47607 (a) (1)
100	5. Renewal process/timeline						47607 (a) (1) (2)

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
51	6. How the Board of Education and the charter school can monitor the progress in meeting student outcomes						47607 (a) (1) 47607 (b)
100	7. Accepts and understands the grounds on which a charter may be revoked						47607 (b) (1-4) (c)
58	8. Accepts and understands obligations to comply with specific sections of the Education Code: § 47611 (STRS) and 41365 (Revolving Loan Fund), and all laws establishing minimum age for public school attendance						47610
103-104	9. How district/county facilities will be maintained, insured and used by the charter school, if applicable						47605 (g) 47614
103-104	10. How changes, additions or alterations to the facility will be accomplished and the district/county role in the process						47607 (a) (1)
74 73	11. How school personnel, district/county will be insured against liability claims resulting from school operations • description of type/scope of legal services to be used • plans for insurance liability and legal issues to be dealt with collectively and individually						47605 (g)
85-86	12. Agreement between the charter school and the sponsoring agency detailing process and responsibility for operations, i.e., accounting, budgeting, payroll, liability insurance, and the like and contracted services and supervisorial oversight						47605 (g) 47613.7
85	13. Agreement between the charter school and sponsoring agency detailing funding and services for special education students						47612 (a) (2)

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
85-86	14. Agreement between the charter school and sponsoring agency detailing operational funding levels						47613.5 (a)
97-98	15. Agreement between the charter school and sponsoring agency detailing processes for responding to inquiries						47604.3

OPERATIONAL CONTENTS							
* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	1. Description of the educational program of the school *(Element 1)*						47605 (b) (5) (A) 47605 (h)
27	• an identification of those whom the school is attempting to educate						
28	• description of what it means to be an educated person in the 21st century						
28	• how learning best occurs						
29	• goals of the program						
133	• how the objective of enabling pupils to become self-motivated, competent, life-long learners will be met by the school						
29-41	• instructional framework which includes instructional approaches, scope and sequence, addressing state standards, and evidence (research-based) that instructional program has been successful with similar student population.						
42-45	• specific goals for providing and ensuring equal access to academically low achieving students, gifted, low SES, ELLs, special education, and a goal for reclassification of ELLs.						
44	• attendance requirements including length of school day and year						
41-42	• instructional materials and the process by which curriculum, materials and instructional activities are to be selected						
49	• reference to NCLB as it relates to student achievement and credentialing						
29,133	• instructional strategies						
___	• teacher recruitment						
137	• professional development						
138	• school calendar						
44	• daily schedule						
27-28	• mission/vision						
145	• demographics/academic achievement of surrounding schools						
141	• implementation plan						
31-33	• High School only						
49-50	- meet A-G requirements						
49	- transferability						
50	- WASC						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	2. Measurable student outcomes to be achieved by students *(Element 2)*						47605 (b) (5) (B)
51	• extent to which all pupils demonstrate that they have attained skills, knowledge and attitudes specified as goals						
51-54	• when and how often pupil outcomes will be assessed including any assessments of innovative components						
51-54	• specific quantitative outcomes which students must demonstrate proficiency in and/or progress toward and time frame for progress						
51-52	• identification of who will be accountable for student progress as it relates to student achievement						
54	• reference to NCLB						
53	• CAHSEE (HS only)						
___	• CELDT						
51-54	• API						
52-54	• AYP						
52-54	• CST						
___	• graduation rate (HS only)						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	3. Method by which pupil progress in meeting pupil outcomes is measured *(Element 3)*						47605 (b) (5) (C) 47605 (c)(1)
55-56	• use of standardized test scores in measuring pupil progress						
55-56	• use of variety of assessment tools						
55-56	• use of longitudinal, survey and other data in measuring pupil progress (in- house assessments)						
55-56	• methods to ensure that all statewide standards are met and pupil assessments conducted						
55-56	• process school will use to ensure that students meet the statewide performance standards and evidence of improved pupil learning						
55-56	• process for conducting pupil assessments pursuant to EC § 60602.5						
55-56	• description of all assessment tools including in house assessments						
55-56	• identification of the grading policy						
55-56	• district required language for testing						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	4. Governance structure of the school including the process which is to be followed to ensure parent involvement *(Element 4)*						47605 (b) (5) (D) 47605 (c)(2)
58	• process which ensures staff, students and other stakeholder involvement						
61	• methods by which schools consult with parents and teachers regarding school's educational programs						
57-60,126	• decision-making process, organizational chart, and relevant site committees						
57,60, 62	• assurances that school will comply with all laws relating to public agencies in general, all federal laws and regulations and state codes, such as the Ralph M. ., Brown Act						
57	• what, if any, relationships district/county will maintain with the charter school and how it will be accomplished						
108	• process for amendments to charter						
108	• articles of incorporations and bylaws of nonprofit corporation						
59	• selection process of board members and governance committees						
58	• audit and inspection of records						
57	• district required language for governance						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	5. Qualifications to be met by individuals to be employed by the school *(Element 5)*						47605 (b) (5) (E)
63-64	• process for staff selection						47605 (1)
64,147	• job descriptions for positions						
63-64	• credentials, requirements and qualifications of staff						
64-72	• employee compensation-general description						
64-72	• identification of the roles and functions of staff members						
63-64	• measures of assessment of performance						
64	• procedure to be used for adequate background checks						
63	• process for recruiting teachers						
63-64	• procedure for monitoring credentials						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	6. Procedures that the school will follow to ensure the health and safety of pupils and staff *(Element 6)*						47605 (b) (5) (F) 47605(g)
73-75	• school will meet the requirement that each employee of the school furnish a criminal record summary as required in EC §44237						
73-75	• how the school will ensure that its facilities are safe						
73-75	• how the school will ensure that its auxiliary services are safe (food services, transportation, custodial services, hazardous materials)						
64	• role of staff as mandated or non-mandated child abuse reporters						
___	• TB requirements						
64	• employee fingerprints						
73-75	• student immunization requirement						
75	• address of the facilities to be used by the charter school						
76	• compliance with state building code, federal ADA requirements						
76	• assurance of Certificate of Occupancy prior to school opening						
73	• contains District required language regarding health and safety procedures						
	7. Means by which school will achieve racial and ethnic balance among its pupils that reflects the general population residing within the district/county jurisdiction *(Element 7)*						47605 (b) (5) (G)
78	• geographic areas that will be targeted in the outreach effort						
79	• state languages to be utilized in the outreach						
77-78	• district required language for this element						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
81 82-84 83 83 81 81	8. Admission requirements, if any *(Element 8)* • admission assurances preferences • lottery assurance and procedures • waiting list • preference (if applicable) • states the charter school will admit all pupils who wish to attend • efforts the school will employ to recruit academically low-achieving, students with disabilities, and economically disadvantaged students						47605 (b) (5) (H)
85-86	9. Manner in which an annual independent financial audit will be conducted and exceptions/deficiencies resolved *(Element 9)*						47605 (b) (5) (I)
87-89 87-89 90-91 88 88-89 88-89 110 90-91 87	10. Procedures by which students can be suspended or expelled *(Element 10)* • procedure for involving parents, students and staff in designing and implementing a discipline policy • due process for students • appeals of disciplinary action • procedures for ensuring rights of students • list of suspension and expulsion offenses • suspension and expulsion procedure • general discipline approach • procedures for rehabilitation readmission and interim placement • district required language regarding special education students						47605 (b) (5) (J)

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	11. Procedures for dealing with staff issues *(Element 11)*						47605 (b) (5) (K) 47605 (1)
94	• relationship between the teachers and the district/county bargaining unit						
___	• process by which salaries, benefits working conditions and items, i.e., calendars, holidays, vacations, work day and year will be determined						
94	• labor procedures which will be applied to employees						
94	• process for resolving complaints/grievances						
94	• process for ensuring due process						
94	• manner by which staff members will be covered by STRS, PERS, Social Security or Medicare						
94	• process for staff recruitment, selection, evaluation and termination						
94	• Procedure for processing and monitoring credentials						
94	• Reporting PERS/STRS contributions						
	12. Public school attendance alternatives for pupils residing within the district/county who choose not to attend the charter school *(Element 12)*						47605 (b) (5) (L)
95	• inform parents or guardians of each pupil enrolled in the charter that pupil has no right to admission in a non-charter District school as a consequence of charter school enrollment						
95	• not require any child to attend a charter school nor any employee to work at a charter school						
95	• District required language regarding attendance alternatives						

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
96	13. Description of the rights of any employee of the district/county upon leaving the district/county to work in a charter and rights of return to the district/county after employment in a charter school *(Element 13)* • what the employment status relative to the district/county of charter school employees is and what it will be in the event the charter school ceases or in the event employees seek employment in the district/county						47605 (b) (5) (M)
97	14. Procedures to resolve disputes relating to provisions of the charter *(Element 14)* See LAUSD "District Required" Language • District required language regarding the dispute resolution procedures						47605 (b)(5) (N)
99	15. Declaration of Exclusive Public School Employer *(Element 15)*						47605 (b)(5) (O)
100	16. Description of charter school closure procedures. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records *(Element 16)* • District required language regarding charter school renewal, revocation, and closing procedures						47605(6) A (ii) O

* PAGE	ITEM	ADDRESSED		ACCEPTABLE		COMMENTS	AB 544 REFERENCE
		YES	NO	YES	NO		
	Other Items: 17. Description of the manner in which administrative services of the school are to be provided						47605 (g)
106	• responsibility for evaluating employees						
105-106	• criteria and procedures used in evaluation						
105	• how hiring decisions are made						
	18. Budget for the financial operation which is consistent with the requirements of any school district budget						47605(g)
129-132	• proposed first year operational budget (including start-up costs)						
131-132	• financial projections for first three years						
127	• process for investment procedures and deposit of funds						
127	• procedure for ensuring adequate cash flow						
	19. Liability of district/county to handle payments if charter school defaults						47604
107	• for schools organized pursuant to Non-Profit Benefit Corporation Law						
	• for schools not covered by Non-Profit Benefit Corporation Law						
	• AB 1994						
107	• general assurances "District Required" language						
	20. Court-ordered Integration Language						
77	• action Plan for 70:30 or 30:70						

* PAGE: Petitioner to identify page(s) in petition in which items are located

Element 1 – The Educational Program

"A description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an 'educated person' in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners." Ed. Code § 47605 (b)(5)(A)

*LAUSD – Specific Language

The address of the Charter school is Carson, CA.
The phone number of the Charter school is 310-984-6985
The contact person for the Charter school is Dr. Denice Price, 17710 Sycamore Street, Carson, California 90746, 562-480-2947, denicecp@aol.com

The term of this charter shall be from 2011 to 2016.

The grade configuration is Grades 6-12.
The number of students in the first year will be 525.
The grade level(s) of the students the first year will be Grades 6-12.
The opening date of the charter school is September 6, 2011.
The admission requirements include: Residency in the district, and eligible to attend Grades 6-12. No other requirements exist.
The operational capacity will be 525 students.

The instructional calendar will be: LAUSD Single Track Calendar
The bell schedule for the charter school will be: Block Schedule
If space is available, traveling students will have the option to attend.

***Special Education Program**

Prior to Los Angeles Unified School District ("LAUSD") Governing Board approval, MATTIE Academy will either execute a Memorandum of Understanding ("MOU") by and between the Los Angeles Unified School District ("LAUSD") and MATTIE Academy regarding the provision and funding of special education services consistent with the requirements of the LAUSD Special education Plan Area ("SELPA") Local Plan for Special Education or provide approved legal verification of membership in another state-approved SELPA with agreement to adhere to the LAUSD's MCD requirements.

District-authorized charter schools permitted to participate in an out-of-District SELPA will be required to execute a Memorandum of Understanding ("MOU") by and between the LAUSD and the charter school (if considered a Local Educational Agency ("LEA") regarding the provision of special education services. The receiving out-of-District SELPA Local Plan must be provided to the District for review and must contain a commitment to ensure that the District-authorized charter schools assume all responsibility for the students with disabilities that enroll in the charter schools and that the receiving SELPA is accountable for oversight, monitoring, and implementing the MCD requirements. A material amendment to the petition and Board approval will be required unless the issue is addressed at the time of charter petition renewal.

***Modified Consent Decree Requirements**
All Charter Schools chartered by the Los Angeles Unified School District ("LAUSD or the District") Governing Board are bound by and must adhere to the terms, conditions and requirements of the *Chanda Smith* Modified Consent Decree ("MCD") and other court orders imposed upon District pertaining to special education. The MCD is a consent decree entered in a federal court class action lawsuit initially brought on behalf of students with disabilities in LAUSD. It is an agreement of the parties approved by the federal court and monitored by a court-appointed independent monitor. The MCD includes eighteen statically measureable outcomes and facilities obligations that the District has to achieve to disengage from the MCD and federal court oversight. All Charter Schools are required to use the District's Special Education Policies and Procedures Manual and Welligent, the District-wide web-based software system used for online IEPs and tracking of related services provided to students during the course of their education.

As part of fulfilling the District's obligations under the Modified Consent Decree, data requests from Charter Schools that are not connected to the District's current Student Information Systems ("SIS") are made on a regular basis. The requested data must be submitted in the Office of the Independent Monitor's required format and are as follows:

- The Independent Charter School Suspension/Expulsion Report, due monthly throughout the school year.
- Paper SESAC Report and Welligent Student Listing Verification, due monthly throughout the school year.
- CBEDS, which is due at the end of October of Each School Year.
- All Students Enrolled December 1 of Each School Year, due at the end of December every school year.
- Graduation Status of 12th Grade Students Enrolled on December 1, due at the end of June every school year.

The District is currently in the process of developing an Integrated Student Information System ("ISIS") as required by the MCD. Although most Charter Schools are not currently utilizing the District's current SIS, the MCD requires all Charter Schools to implement the use of ISIS once it is developed.

Identify the students the school proposes to serve
We propose that the MATTIE Academy of Change, a public high school will serve 525 or more inner-city, at risk students in Carson grades 6 thru 12 in a No Child Left Behind, Title I area. The student population includes African-American, Asian, American Indian, Filipino, Hispanic, Pacific Islanders, White, Special Education, Gifted and talented, English Language Learners, and economically disadvantaged students.

We expect to service a student population aged 11-18 from diverse socio-economic backgrounds to include students who qualify for free or reduced lunch, students with different learning styles and developmental needs. We have determined and have developed instructional strategies for students not on alternate curriculum in community based instruction, students not expected to pass the CAHSEE and are working on alternate graduation standards, students who are deaf or hard of hearing, and students with learning disabilities, using grade level standards. We contemplate that our students' educational range will be from those designated from special education to gifted and talented. We have developed an instructional program to educate and matriculate each child, regardless of where they are on that spectrum

to achieve our mission and vision. Additionally, because we are cognizant of the multi-lingual community where we will serve, we anticipate and have formulated strategies for the education and affirmation of English language learners in our school community.

The student teacher ratio in all grade levels will be 29 to 1. The following is a breakdown of the enrollment projection:

Year One

	Enrollment	ADA %	ADA #	EL #	FRL #	Total ELL & FRL
Grades K-3	-	92%	0.00	-	-	-
Grades 4-6	100	92%	92.00	25	80	105
Grades 7-8	150	92%	138.00	38	120	158
Grades 9-12	275	92%	253.00	69	220	289
TOTAL	**525**	**92%**	**483.00**	**131**	**420**	**551**

*EL is English Learners
*FRL is Free/Reduced Lunch Students

Demographic data of the target population (this is done by completing the attached matrix);

See Apendix H Demographics

*Academic achievement data**;***
MATTIE Academy will be held accountable for adhering to STATE and FEDERAL mandates as all public schools in the nation. We are aware that the expected target API score for all schools is 800. The schools in the surrounding areas have not met their API. (See schools below)

Banning HS - 640	Carson HS - 645
Carnegie MS - 698	Curtiss MS - 650
Annalee Ave Elem - 696	Broadacres Elem - 706

MATTIE recognizes that schools with special challenged populations may need time to achieve this target. MATTIE intends to demonstrate a strong increase in student academic performance by all subgroups enrolled at the school by surpassing the non chartered public schools in the area. In addition, MATTIE will attempt to have a participation rate on the CST that exceeds the minimum of 95%.

School's Mission and Vision
The MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change is an innovative and progressive learning center that embraces cultural, linguistically, and developmental differences of its student body. The mission of this innovative charter school is to promote academic success in each grade 6-12 student through thinking, problem solving and in-dept learning at the secondary and post-secondary level. We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing.

Our academy is designed to collaborate with communities, agencies and colleges to act as a catalyst for change to address vital aspects of students by raising their standard of living in their communities. We believe that a systematic and sustained emphasis on education and life skills will help remove students from negative lifestyles that have inhibited their development as constructive and successful citizens positively contributing to society.

We believe our students deserve the highest quality education possible. Further, we believe that students should be actively involved in their community and that that there should be learning opportunities that are both appropriately differentiated and substantive in grades 6-12, and linked meaningfully to the core content areas of language, math, social studies, and science. It is our fundamental belief that all students who matriculate from the Academy should be amply prepared to successfully compete for both college admission and career performance and promotion. We believe that parents should continuously be involved and engaged in every aspect of our school culture.

We envision a learning community that respects the unique need and strengths of each student, emphasizing cognitive, imaginative, creative, social, emotional and physical development. Integrating an ethos of service and environmental stewardship, we hope to provide a unique opportunity for personal growth for all who are affiliated with our school.

Motto "On Time…, On Task…, and on a Mission.."

What it means to be an "educated person" in the 21st century;
The purpose of education in the beginning of the 21st Century is to prepare people to lead productive lives, to enjoy their constitutional rights of "life, liberty, and the pursuit of happiness".

An educated person will be well versed in the trends driven by the transition from a product-oriented society to that of an information society - one in which access, management, and application of large amounts of information for services-related productivity will be paramount. The educated person will have a practical and theoretical grasp of technology in its many forms and will be capable of seeing opportunities for technology applications to new and emerging problems of a social and personal nature. This person will also understand how to search for understanding and answers to life's challenges, and will do so with a keen eye towards the diverse constellation of culture, gender, and other influences.

Educated persons will have skills in application of knowledge so that they may be capable of making connections between history, constituencies, personal strengths and deficits to the present day in many contexts. In these contexts, the educated will be capable of collecting, analyzing, interpreting, elucidating, disseminating, and evaluating information. Yet, the educated person of tomorrow will find balance among the burgeoning society, science and technology, and the humanistic dimensions of life, seeking out an understanding of art, music, dance, physicality, and character development.

How learning best occurs;
Students learn through a variety of experiences. They learn when they are challenged and given the necessary support and resources that enable them to meet expected goals and objectives as required in an academically rigorous yet motivational environment. This environment must include emphasis on the arts, ethical values, the social, physical and emotional well being of each student and experiences that give meaning to what the student is taught. Cultural events such as International Festival, African American History Month Celebration, Latin American History Month celebration and Cinco de Mayo Festival, serve to enrich student learning.

The school will provide a high quality, standards- and research- based instructional program focused on the students achieving and exceeding state academic standards. In addition to the core instructional program, enrichment, extended learning and intervention activities will be provided to support student learning and give students an opportunity to develop a personal understanding and appreciation of the world outside the classroom. These and other extended

learning and enrichment activities broaden the knowledge base of the students, provide the context in which they learn and add meaning to the study of the California Content Standards.

How the goals of the program enable students to become self-motivated, competent, and lifelong learners.
The instructional approach is intended to foster self-motivation and will use intrinsic rewards and role models to achieve that goal. With the emphasis on performance-based learning, students will emerge from the school as competent as measured by state and national tests. With self-motivation and competency, students will be lifelong learners.

Instructional Program
The philosophy of the MATTIE Academy is that there is brilliance in every child. Therefore, all students who will attend this learning community will be nurtured, be challenged, and will be engaged in collaborative group projects to think and to solve problems in inclusive and supportive classrooms. Thus, the charter school will focus on co-teaching to teach the core curriculum to special needs students, to general education students, and to English Limited Language students. The administration and the faculty will establish strong relationships with parents and the community through school wide events that celebrate cultural diversity through parent-teacher conferences, Career Day, Community Appreciation Day, etc.

MATTIE teachers will incorporate a wide variety of instructional strategies designed to address the different learning styles and developmental needs of the aforementioned student populations. Some of the instructional strategies will include student investigations, cooperative/collaborative learning, whole group instruction, independent and self-directed learning, peer coaching, graphing, concept mapping, self-assessment, research and simulations. Our school offers effective learning strategies to ensure that each student masters the concepts and skills of each subject. Through direct instruction and well prepared lessons, we will focus on higher-level reasoning skills, collaborative learning groups, hands-on learning activities and problem-solving projects that develop deductive reasoning abilities. A least restrictive environment will be the standard strategy for meeting the needs of special education students. Gifted students will be provided special day classes, part-time groupings and cluster groupings that emphasize specialized curricular components that accentuate differentiated learning experiences within the regular school day.

We have determined through the 2009-2010 CST trend for students in the subject area of English Language Arts that only a small percentage of students in all ethnic groups were advanced and proficient. Students in all ethnic groups in grades 10, 11, 12 in the subject areas; Algebra 1, Algebra 2, Geometry, Chemistry were not advanced or proficient. Students were either below basic or far below basic in these subject areas. Over 50% of the MATTIE student population is deemed economically disadvantaged. MATTIE will provide more time on task, using the block schedule format, provide hands on activities, rigorous instruction and collaborative activities in the Mathematics, Engineering, Science and Achievement (MESA) program. In an effort to address the needs of this population, administrators will monitor classroom instruction daily, provide immediate feedback to teachers, and provide instructional support to teachers, whenever necessary.

MATTIE's instructional program will be based substantially on the California Curriculum Standards for Grades 6-12, including content standards, learning expectations, accomplishments and benchmarks. Subject areas will include English Language arts, Math, History-Social Sciences, Science, Physical Education, Independent Study, Social Studies, and Foreign Language, Career Development and Technology.

The MATTIE curriculum is an integrated learning system that consists of providing students with relevant skills and knowledge that enriches their intellectual and personal development that enhances their uniqueness and purpose of their life. Our educational program will adhere to the California State Framework of Content Standards for each subject and it will also encompass the following:

- Direct Instruction
- Text-Based and Print-Based Learning
- Collaborative Learning groups
- Social Skills and Personal Responsibility Instruction
- College Preparatory
- Life Skills and School-to-Work Instruction
- English as a Second Language (ESL) Instruction
- Project-based Instructions
- Contextual Learning
- Instructional resources and techniques including:
  - Computer-Assisted Instruction for all subjects including foreign language
  - Video-Based Learning
  - Audio Cassette and Auditory-Enhanced Learning
  - Sustained Silent Reading

As the MATTIE team has had significant experience in serving a similar population of students, we are confident that our instructional approach is the most effective and efficient method for advancing our vision and achieving our mission. In fact, the CEO, Principal, and Administrative team were recruited specifically for their affinity for and success in addressing the needs of students in a low performing school district in which the State took local control and management of the District. The Administrators on the team have been actively involved in writing the District's strategic plan, as well as leading schools that have had significant gains in test scores.

School Curriculum

MATTIE Curriculum will be aligned with California Content Standards. We will offer course offerings similar to those of traditional middle school and high school. Every grade level will have two semester long core courses. There will also be elective/exploratory courses including Art, Computer Literacy, Foreign Language, Music, etc. The middle school curriculum will include an extended science program and challenging and intriguing instruction for all students. Students also have the opportunity to take Fine/Performing Arts, Foreign language, Technology and music. There will be a rigorous course of study in academic subjects, math, science, language arts and history that foster student's creativity, and research skills in an alternative day block schedule format. The block schedule allows for longer class periods and fewer classes each day. Students will enroll in elective offerings in Foreign Language, Fine Arts, Music, Drama, and Technology for a well rounded college-prep experience.

Students will have opportunity for service learning and career development to improve their school, and community. Service Learning requirements focuses on students' character and ethical values. Additionally, students will be provided opportunity to participate in college connected activities at California State University, Dominguez Hills (CSUDH), to enroll in college courses, participate in College Connected Enrichment Activities and attend classes at CSUDH

in Young Scholars Program. California State University, Long Beach (CSULB) MESA will also offer Math, Science exemplary instruction and enrichment to middle school students.

Students will also participate in University of California, Los Angeles' (UCLA) "I'm Going to College Program" where they will visit UCLA campus to attend college activities in an effort to expose students to college culture.

Middle School Core Academic Curriculum

6th Grade
English/Language Arts
Mathematics
History/Social-Science
Science
Physical Education
Health (1 semester)
Technology (1 semester)
2 Electives

7th Grade
English/Language Arts
Mathematics
History/Social-Science
Science (full year)
Physical Education
Health (1 Semester)
Technology (1 Semester)
2 Electives

8th Grade
English/Language Arts
Mathematics
History/Social-Science
Science
Physical Education
2 Electives

*Strong Academic Support
Double blocked classes for struggling readers and writers.
Math development for students who need extra assistance in math and algebra.
Tutorial classes for student below 2.0
Service Learning – All Middle School students must complete 50 hours of approved community service.

High School Curriculum and Instruction

High School Curriculum 9-12 will be aligned with California Content Standards and Reform Goal. The MATTIE high school program consists of a comprehensive programming. We believe that all students can learn and become responsible productive members of a competitive society. MATTIE high school program is based on leadership development, re-designed professional development including strategies to close achievement gaps, intensive instruction for English Language Learners students, strategies for success for special needs students

specifically the African American males. We will infuse academic and technical standards into high school course outlines and address the cultural and linguistically diverse students. We also recognize that African American males are a lower performing sub-group and we plan to address closing the achievement gap of these students through the use of research based strategies, intervention and by the use of technology and of these students. Curriculum includes character building and community service learning opportunities throughout the City of Carson, Sheriff Department and other agencies.

Instructional Plan includes data driven instructional decision making differentiated instruction with early identification of "at-risk" students for the CAHSEE. Test data will be analyzed to determine areas of strengths and areas in need of improvement. Each teacher will submit a student achievement plan to the department chair of subject area and will collaborate with department chair to create a student achievement plan for each department. Counselors will work with at-risk students to provide additional support advisement and monitor progress of students. Students will be given opportunity to select a college or career path. Students and parents will be involved in selecting a career, advisement, and counseling.

High School Core Academic Curriculum

9th Grade
English-1
World Geography
Life Science or Biology
Algebra-1 or Geometry
Foreign Language-1
Health (1 semester)
Computer Apps (1 semester)
2 Electives

10th Grade
English-2
World History
Life Science or Chemistry
Algebra-2 or Geometry
Foreign Language-2
Physical Education
2 Electives

11th Grade
English-3
U.S. History
Geometry
Physical Education (1 semester)
Fine Art
3 Electives/College Prep Mathematics

12th Grade
English-4
Economics (1 semester)
Government (1 semester)
Science Elective

Policy for Graduation

Credit Requirements
Students are required to earn 220 credits to earn a diploma at graduation. All students must earn the following:

- 8 semesters of English
- 2 semesters of World History
- 2 semesters of U.S. History
- 1 semester of Economics
- 1 semester of U.S. Government
- 2 semesters of Physical Science
- 2 semesters of Biological Science
- 2 semesters of Algebra
- 2 semesters of additional Math
- 1 semester of Health
- 4 semesters of Physical Education *
- 2 semesters of Visual & Performing Arts or Foreign Language
- 1 semester of Computer Application
- 14 semesters of Elective Credits

Each student will receive 5 credits per semester.
* If student passes Fitness test in 9th grade, he/she can opt out of physical education for 2 years.

Other Graduation Requirements
All students must pass the California High School Exit Examination in Math and English/Language Arts.

All students must take and pass Algebra 1-2 (1 year course) or Algebra ABCD (2 year course).

Students must pass one semester of Computer Applications or meet the requirement through the “test-out” option.

All students must complete and log in 50 hours of community service.

Math Elective
4 Electives of Career Development

The curriculum has been designed to meet or exceed the California Curriculum Standards as well as comply with the federal mandate specified in No Child Left Behind. In addition, up-to-date textbook materials, published ancillary resources, and Internet learning sites will challenge students and make real-world connections to instruction. The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete. Furthermore, the instructional program is designed to meet the needs of students, provide developmentally appropriate challenges, and support personal growth through mentoring.

The California Curriculum Standards, Grades 6-12, including content standards, learning expectations, accomplishments and benchmarks will serve as the primary program for the school's curriculum. Additionally, staff will be guided by the following summaries:

All students must meet all requirements in order to participate in the Graduation Ceremony and to receive a diploma.

English Language Arts
The school will provide a blueprint for organizing instruction so that every child meets or exceeds the language arts content standards. It will guide the implementation of the standards by specifying the design of instructional materials, curriculum, instruction, and professional development. In an effort to accelerate and sustain all learners' proficiency in the language arts, the following principles will be used to guide and address the complexity of the content and context of language arts instruction. The principles direct the purpose, design, delivery, and evaluation of instruction.

- Uses the English–language arts content standards as its curricular platform and aligns curriculum, assessment, instruction, and organization to provide a comprehensive, coherent structure for language arts teaching and learning.
- Stresses the importance of a balanced, comprehensive program. Balanced is defined as the strategic selection and scheduling of instruction to ensure that students meet or exceed those standards, and comprehensive is defined as the inclusion of all content standards.
- Balanced does not mean that all skills and standards receive equal emphasis at a given point in time. Rather, it implies that the overall emphasis accorded to a skill or standard is determined by its priority or importance relative to students' language and literacy levels and needs.
- A comprehensive program ensures that students learn to read and write, comprehend and compose, appreciate and analyze, and perform and enjoy the language arts.
- Consistent with the content standards, the framework recognizes that the advanced skills of comprehending narrative and informational text and literary response and analysis and the creation of eloquent prose all depend on solid vocabulary, decoding, and word-recognition skills fostered in the early grades and sustained throughout the school years.
- Describes the important skills, concepts, and strategies that students must be able to use after the third grade and attends specifically to those advanced higher-order skills from grades four through twelve that require explicit and systematic instruction.
- Provides guidance to ensure that all educators and learners understand that (1) specific skills in reading, writing, speaking, and listening must be taught and learned; (2) the language arts are related, reciprocal processes that build on and strengthen one another; and (3) the language arts can be learned across all academic disciplines.
- Promotes a preventive rather than remedial approach. The most effective instructional approach is to prevent reading/language arts problems before they begin. The key to success is to make the first instruction students receive their best instruction.
- Assumes that all learners will work toward the same standards yet recognizes that not all learners will acquire skills and knowledge at the same rate. Intervention strategies must be in place to identify students who are not progressing adequately and to intervene at all levels as early and as long as necessary to support their acquisition of learning in the language arts.
- Addresses the full range of learners in classrooms, with specific attention being given to language arts instruction and the learning needs of English learners, special education students, students with learning difficulties, and advanced learners.

- Assumes that virtually all students can learn to read and that older struggling readers will benefit from refocusing instruction on building the skills, strategies, and knowledge that are the foundation for subsequent success in reading/language arts.

Math
The school will build on the mathematics standards and align them with curriculum, instruction, resources for instruction, and assessment, resulting in a coherent and pragmatic plan for achieving high levels of mathematics proficiency for all students. We will address the needs of all learners, with no learner left out and no learner taught at the expense of another; emphasize prevention over remediation, while recognizing the appropriateness of remediation when it is required; and provide suggestions for instructional strategies that may be used with students who are English learners, advanced learners, special education pupils, or at risk of failing mathematics.

Teachers will stress the importance of frequently assessing student progress toward achieving the standards. Students cannot afford to wait for a year-end test; rather, they should be assessed frequently throughout the year to determine their progress toward achieving the standards.

Principles and key components of an effective mathematics program are as follows:

- Essential skills and knowledge expected of students in mathematics as described in the Mathematics Content Standards
- Special considerations and emphases for each grade level to ensure student success consistent with the mathematics standards and statewide testing.
- Guidance, based on current research, regarding instructional strategies and sample lessons that can be effective in ensuring that every child will meet or exceed grade-level standards in mathematics
- Development of appropriate assessment methods
- Strategies to ensure access to appropriately challenging curriculum for special needs students
- Responsibilities that all stakeholders must uphold for effective implementation of a rigorous and coherent mathematics curriculum
- Professional development
- Use of technology in mathematics instruction
- Instructional resources, including print and electronic learning resources

History-Social Sciences
As educators we have the responsibility of preparing children for the challenges of living in a fast-changing society. Their lives, like ours, will be affected by domestic and international politics, economic flux, technological developments, demographic shifts, and the stress of social change. The only prediction that can be made with certainty is that the world of the future will be characterized by continuity and change. The study of continuity and change is, as it happens, the main focus of the history–social science curriculum. The knowledge provided by these disciplines enables students to appreciate how ideas, events, and individuals have intersected to produce change over time as well as to recognize the conditions and forces that maintain continuity within human societies. The object of the history–social science curriculum is to set forth, in an organized way, the knowledge and understanding that our students need to function intelligently now and in the future.

In addition to the knowledge that students will acquire by studying the human past, the students should gain a deep understanding of individual and social ethics, emphasizing concern for our students' ethical understanding in every grade. We want students to see the connection between ideas and behavior, between the values and ideals that people hold and the ethical

consequences of those beliefs. Students should realize that tragedies and triumphs have resulted from choices made by individuals. The students will recognize that ideas and actions have real consequences—that history, in other words, is not simply the ebb and flow of impersonal forces but is shaped and changed by the ideas and actions of individuals and governments. Students will study history to learn from the sometimes painful, sometimes exhilarating, often humdrum experiences of those who preceded us. We want our students to understand how people in other times and places have grappled with fundamental questions of truth, justice, and personal responsibility and to ponder how we deal with the same issues today. By studying the humanities and examining the ideas of great thinkers, major religions, and principal philosophical traditions, our students will reflect on the various ways that people have struggled throughout time with ethical issues and will consider what the consequences are for us today.

We will work to strengthen education in the history– social science curriculum while building on the best practices. The distinguishing characteristics are as follows:

- The chronological study of history
- Integrated and correlated approach to teaching
- Emphasize the importance of history as a story well told
- Importance of enriching the study of history with the use of literature both literature of the period and literature about the period
- Emphasis on the importance studying major historical events and periods in depth as opposed to superficial skimming
- A sequential curriculum, one in which knowledge and understanding are built up in a carefully planned and systematic fashion
- Incorporate a multi-cultural perspective
- The importance of the application of ethical understanding and civic virtue to public affairs
- Encouragement of civic and democratic values as an integral element of good citizenship
- The study and discussion of the fundamental principles embodied in the United States Constitution and the Bill of Rights
- Present controversial issues honestly and accurately within their historical and contemporary context
- The importance of religion in human history
- Enhancement of critical thinking skills
- Supports a variety of content-appropriate teaching methods that engage students actively in the learning process
- Opportunities for students' in school and community service activities

Science

Science education is intended for all students. Academic instruction will be designed so that each student has the opportunity to master the science standards that provide systematic and coherent access to this challenging subject. Glenn T. Seaborg, one of the great scientific minds of this era, defined science as follows: "Science is an organized body of knowledge and a method of proceeding to an extension of this knowledge by hypothesis and experiment. We intend to organize the body of knowledge that students need to learn during their middle and high school years; and illuminate the methods of science that will be used to extend that knowledge during the students' lifetimes.

Students will be able to utilize the traditional laboratory method for discovery, using the principles of hypothesis, observation, data collection, and validation. The curriculum includes biological, physical, and earth sciences and their integrations. Students will become academically accomplished in science by immersion in the scientific methods. Lessons will

require experimentation, development of hypotheses, conducting experiments, and drawing conclusions.

All high school science courses will meet state or local graduation requirements or the entrance requirements of the University of California or the California State University are based on the Science Content Standards. Every laboratory science course is based on the content standards and ensures that students master both the content-specific standards and investigation and experimentation standards. Students will be prepared to be successful on the California Standards Tests. All students take, at a minimum, two years of laboratory science providing fundamental knowledge in at least two of the following content strands: biology/life sciences, chemistry, and physics.

The school will organize around the science content standards as follows:

- Discuss the nature of science and technology and the methods by which they are advanced
- Describe the curriculum content and instructional practices needed for mastery of the standards
- Guide the development of appropriate assessment tools
- Suggest specific strategies to promote access to the curriculum for students with special needs
- Describe the system of teacher professional development that needs to be in place for effective implementation of the standards
- Specify the requirements for evaluating science instructional resources, including investigative activities, for grade six through grade eight
- Provide information on pertinent requirements of the California Education Code regarding science education

We will alleviate the challenges of science education by:

- Preparing long-term plans
- Meeting curricula demands of other core content areas
- Setting clear instructional objectives
- Providing balanced instruction
- Ensuring safety of instructional activities
- Matching instructional activities with standards

Physical Education

Standards-based physical education instruction will focus on student learning so that every student has the opportunity to master all the grade-level or course-level physical education model content standards. We will provide a roadmap for the design of standards-based physical education lessons. Teachers start by selecting the grade- or course-level standard(s) for instruction, determine and design assessment strategies, and then create instructional opportunities for students to engage in the content. All learning opportunities (e.g., drills, games, cognitive activities) are directly aligned to the grade- or course-level standards.
Lessons will be planned logically and sequentially for maximum instructional time and learning. Effective instructional units are of sufficient length to allow students to develop skills and competence in the areas being taught. These instructional units build upon skills and knowledge that have been learned previously and prepare students to reach future grade- or course-level standards.

Teachers will design instruction based on the content or skill to be taught, the strategies available to teach it, and the needs of their students. No single method of instruction is the best or most appropriate in all situations. Teachers must thoughtfully consider the impact of their decisions on the instructional process and evaluate those decisions as to their effect on the

learning process. Instructionally sound lessons will be carefully developed and will be designed to engage all members of the class in learning activities focused on student mastery.

Prior to instruction students are assessed to determine if they are ready for the new content. If they are not, then instruction is provided to bring them up to grade or course level. Once students are at grade or course level, then the current grade- or course-level standards are addressed. Lessons will be designed so that our students are constantly exposed to new information while practicing skills and reinforcing their understanding of information introduced previously. The teaching of standards-based physical education is holistic in nature whereby several standards may be taught simultaneously in the same lesson or sequence of lessons.

Students will be given assignments for Physical Education for cardiovascular (e.g., jogging/running around the block, sit-ups, push-ups). Students will be encouraged to participate in intramural sports, such as basketball, softball, flag football, Volleyball and swimming. P.E. students will write articles related to sports and related to articles regarding historical and current sport events and athletes.

Teachers will design instructional strategies by applying the following:

- Instructional Models
- Establishing a Safe Environment
- Class Management
- Effective Teaching Behaviors
- Motor Learning Principles
- A Model Physical Education Lesson
- Instructional Strategies
- Multidisciplinary Opportunities

Independent Study Program (ISP)
Independent study will be an alternative to classroom instruction consistent with the school's course of study and is not an alternative curriculum. ISP will provide individual students with a choice of ways to acquire the values, skills, and knowledge all students should gain as verified in a written agreement.

As a recognized alternative to regular classroom study, ISP will equal or be superior in quality to classroom instruction. Instruction through Independent Study:

- Allows students to study at their own pace within the limits of compulsory attendance requirements
- Creates a bridge between the school and the community
- Challenges each student to excel in his or her area of special interest and abilities
- Provides an alternative for students to achieve competency and mastery in basic skills
- Allows children to be educated at home
- Encourages the student's resourcefulness
- Facilitates the student's active participation in his or her own education
- Offers real flexibility in the design of an educational program, including the grouping of independent study students to focus on common educational objectives
- Offers effective educational choices to students and families
- Participation in independent study must be voluntary: a choice made by the student, parent, guardian, or caregiver, and the teachers—not an administrative decision of last resort

Attendance records will be based on a student's work within the terms and conditions of his or her written agreement and not on traditional "seat-time." In ISP the student's performance, measured by the terms in the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance.

Therefore, in addition to the requirements of compulsory school attendance, independent study must be the voluntary choice of each student, and each student must be motivated to study on his or her own as prescribed by the agreement. These are essential components for a student's progress and educational success.

ISP will be a short-term program designed for students with chronic attendance problems, extenuating, or "Special circumstances." These include personal problems, house arrest, financial hardships, and out of town emergencies. The purpose of the program is to provide students an intervention alternative opportunity to resolve these special circumstances and get on track and focus to work in regular classroom setting. The duration of this Independent Study Program is from 2-4 weeks.

Students are issued textbooks and packets that they can complete independently at home and return by a given deadline. The individual student handout packets are based on state adopted textbooks that are being used in the classroom in the core curriculum areas (English Language Arts, Math, Science, and Social Studies), and include assignments such as writing prompts and preparation for the CAHSEE. The students' submitted packets will be assessed/graded to reflect the students' academic progress. Assessment will include projects, posters, essays, etc. Special Education students will be given opportunity to work with the RSP teacher per their prescribed IEP. For Special Education students, an IEP meeting will be held to change the placement of the student when he or she is placed on Independent Study.

Students are referred by the counselor to the Student Success Team (SST) on a case-by-case basis. The SST discusses each student's case and makes recommendation to place student in short term Independent Study.

The counselor/coordinator will explain the objectives and requirements and outline the responsibilities of both parent/guardian and student. Parents/guardians are required to sign a form acknowledging that they understand the requirements and responsibilities of the program. After signing the forms, students are assigned to counselor or coordinator who will give them their weekly assignments.

Students will report to an assigned coordinator/counselor weekly to turn in and pick up weekly assignments. Students will sign in and out. The coordinator/counselor will keep track/record of students' attendance and will be responsible for grading students' work.

Service Learning
Service learning credits will be given to students who serve as peer tutors or cross-age tutors in lower grades. Any service performed within the community such as volunteering in local hospitals, senior living homes, parks and recreational facilities will also qualify as credit.

School Curriculum Meets State Standards
As described above, the school's core curriculum will be comprised of the California Curriculum Standards as the primary source of the school's curriculum. However, other published programs designed to meet the needs and desires of the community will enhance the program. These programs include approved textbook series that correlate with the California Curriculum Standards as well as programs in character education; service learning; and enrichment for art, music, and physical education. Since the school will participate in statewide testing and will comply with local and state performance tests, the school's curriculum is expected to meet state standards.

How the teaching methodologies and instructional program address the needs of the

targeted student population;

Based on demographics for the City of Carson, CA alone, we know that MATTIE teaching professionals will be addressing a portion of the educational needs of a community that is composed of an elementary school population (grades 1-8) or approximately 12,491 43.7 eligible students and a high school (grades 9-12) population of 6,209 21.7 (Figures courtesy of *Statistics from the 2000 US Census Data Database)*.

Based on our extensive informal surveys and community involvement, we believe the values of our community to be:

- To develop and implement an array of learning opportunities that are appropriately differentiated and substantive in grades 6-12 and are linked meaningfully to the core content areas of language, math, social studies, and science.
- To prepare students to be actively involved in the improvement of their community and become productive citizens and leaders in a global society.
- To transition from school to college or career
- To provide ongoing and appropriate training and staff development opportunities for administrators, counselors, and teachers involved in serving the needs of advanced students.
- To provide parent education opportunities and to solicit parent and community involvement to promote collective participation in the program.

Our key community partners include the City of Carson, the Carson Sheriff, Congresswoman Laura Richardson, the CSULB MESA program, and California State University Dominguez Hills (CSUDH).

The **City of Carson** will provide MATTIE students with the opportunity to volunteer and perform service hours within City Hall and local community. This partnership will also provide students with the opportunity to observe and participated, on an ex officio basis, in the meetings of various city commissions, the City Council, and other City Boards and Committees, with the goal of affording students the opportunity to experience the public governance and decision making processes.

The **Carson Sheriff Station** will provide support to the school's efforts of intervention drug training among at-risk youth in the City of Carson.

Congresswoman Laura Richardson will provide support for immediate Free Appropriate Public Education (FAPE) for 37th Congressional District special education students of MATTIE Charter School. One of the ways will be scheduling regular meetings with MATTIE and its collaborative educational partners, and Congressional District #37 (CD-37) staff liaisons to discuss strategies, legislative and administrative methods to assist in the fulfillment of MATTIE's mission for CD-37 families, and other matters as deemed necessary.

The **MESA** program aims to prepare students for college, supporting them until they successfully complete high school. The CSULB MESA center sends engineering students to work as tutors and mentors between 3 – 4 hours per week to provide instructional supports to students in the classroom setting and after school tutoring in math, science, and hands-on engineering, math and science projects (MESA Day projects). In addition, MESA provides support that includes professional development for MESA teachers that allows them to improve

math and science learning for their students, parent orientation meetings, college tours, and financial aid information.

CSUDH will provide college connected enrichment activities including opportunities to attend classes on campus for grades 6-12. Middle school students, grades 6-8 will have the opportunity to enroll in college level classes and labs through the Young Scholars Program. Ninety percent of juniors and seniors will also be allowed to enroll in classes and receive college credit.

The **Winners for Life Program** also known as The "Alliance" Mentoring Program for charter schools, public schools, and youth organizations. "Winners for Life" mentoring program is designed to make significant impacts on the lives of African American males. They fully understand that staff and administration have a strong commitment to improving the lives and academic achievement of all students. The program is specifically designed to work with African American males.

The "Watkins Award" alumni and other scholar athletes will work with African American Males to foster academic achievement, community awareness and responsibility while developing their self esteem and goal setting abilities. The program utilizes sports and athletes to deliver these important messages

The evidence (research base) that the proposed instructional program has been successful with similar student populations and/or will be successful with the charter's targeted population;

Ron Edmond's Effective Schools Research for High Performing Urban Schools; the administrative leader should be strong and focused on basic skills acquisition for all students, with high expectation of students, teachers who take responsibility for students' learning and adapt instruction to make sure that learning is taking place. Experience in a school serving a high-risk population, safe and orderly school environment, provision of incentives and rewards for student performance, and regular monitoring of student progress.

These characteristics are aligned with our mission because we have high expectations for students and plan to provide differentiated learning opportunities.

We have extensively surveyed the community and feel confident that we know the strengths, assets, values and critical needs that they describe. We selected this community due to its increased need for educational opportunities among its population. Many of the applicant team members reside or do business in the targeted community, and know that many high achieving neighborhood students opt to attend schools in surrounding school districts (i.e. Long Beach and Torrance Unified School Districts). The team desires to collaborate with LAUSD in meeting the goal of increasing academic performance in this area and keep high achieving students in their home schools.

While we are attentive to the needs of all of our students, our survey indicates a heightened need for invention strategies for African-American males. We have consulted with the following groups;

- NAACP Carson/Torrance Branch
- National Congress of Black Women
- Cal State University , Dominguez Hills
- Cal State University, Long Beach

- Dominguez Hills Village Homeowners Association
- Carson Parents

Textbooks and Other Instructional Resources

The school will purchase comprehensive sets of textbooks, curriculum materials and computers. Correlations with the California State Standards will be the primary criterion for selection. A curriculum committee consisting of the principal and teachers will review textbook offerings to ensure that the materials satisfy both teacher and student needs. Complete programs will be purchased for English/language arts, mathematics, science, and social studies. To ensure a seamless educational experience with surrounding communities, State adopted textbooks will be used.

Note that textbooks are to be used to support the overall curriculum and California Content Standards. Textbooks are not the curriculum but are important resources to teachers to address required content and skills.

How the school will recruit teachers who are qualified to deliver the proposed instructional program;

A variety of national and local outreach efforts will be used to recruit qualified and talented teachers who are able to carry out the mission of the school. The position will be advertised in Education Week, EDJoin in local newspapers as well as Internet services including Craig's List. The focus of such outreach will be working in a supportive professional environment with competitive pay and benefits, without traditional restraints of working within the public school environment. EdFutures' expertise in recruitment, training and hiring will be beneficial to the instructional program.

How the school will provide ongoing professional development to ensure that teachers have the skills to deliver the proposed instructional program;

Professional development will be a requirement at the school, and MATTIE Academy considers professional development as key to student success. Instructional staff will be required to develop annual professional development plans, which will be reviewed and evaluated by the principal. Consequently, all teachers will be required to participate in staff professional development monthly or more frequently, when provided. School funds will be used to pay for the staff to participate in any staff development provided by the district.

To ensure that teachers are equipped with the best tools for delivering high quality instruction, on-going workshops will be developed from a number of sources. Specific topics will be chosen from individual school data analyses, principal and professional development staff observations, teacher requests, and cutting-edge research of current best practices. Subsequent to training, teachers will submit an Action Plan detailing elements of the workshop they plan to incorporate into their classrooms as well as a timetable for implementation. Additionally, MATTIE Academy staff will visit classrooms, regularly conduct and give immediate written and oral feedback regarding teacher strengths and areas for improvement.

Using a combination of providing professional development, mentoring, conducting model lessons, and offering one-on-one assistance, teachers will have tools to achieve the highest possible student performance.

MATTIE Academy is committed to the personalized professional growth of each staff member. Each staff member will develop a professional growth plan that will be facilitated by the principal. Most coordinated staff development activities will be directed at team level and will reflect the agreed upon needs of the teachers involved. High levels of selection, participation, involvement, and follow-through are expected. High staff development activities and models that have been effective in fostering growth and benefiting students will be enthusiastically supported. MATTIE plans to provide new professional opportunities for teachers and create ways to tap into the expertise and experience of qualified professionals currently within the school community. Professional development and continuous training for all staff will be linked to the teaching and learning and student achievement objectives.

To ensure that all teachers and instructional assistants will be trained, MATTIE Academy will develop an instructional support plan for all teachers.

Plan

1. Principal/Administrators to model, coach, demonstrate lessons and provide feedback.
2. Utilize on site workshops with curriculum specialist.
3. Team teaching between veteran and novice teachers
4. New teachers will be defined as first and second year teachers.
5. Department heads to coach novice teachers.
6. Department heads will provide teaching support and share new ideas.
7. Curriculum specialist, consultants, and mentor teachers will assist with providing staff development and demonstration lessons.
8. Establish research study groups to examine best procedures that work.
9. Collegial planning and grade level coaching.
10. Visit exemplary classrooms and other schools.

Implementation

1. Principal and/or Administrator designee will monitor classrooms daily.
2. Execute demonstration lessons and classroom modeling provided by curriculum specialists.
3. New teacher workshops.
4. Novice teachers included in Professional Growth activities.
5. Provide feedback based on formal and informal observation.
6. Teachers and Instructional Assistants will attend workshops and conferences to enhance their knowledge of good teaching practices.
7. Research study groups for professional growth.

The school's academic calendar and sample daily schedule, which explain the rationale for allocation of instructional time to different subject matter areas, as well as an assurance that the school will offer, at minimum, the number of minutes of instruction set forth in Education Code § 47612.5.

Students will be on a block schedule. A sample schedule 9-12 is below.
Regular Schedule:

Odd Days	Schedule	Even Days
Period 1	7:55 – 9:30	Period 2
Nutrition	9:30 – 9:40	Nutrition
Period 3	9:47 – 11:25	Period 4

Lunch	11:25 – 11:55	Lunch
Period 5	12:05 – 1:40	Period 6
Passing	1:40 – 1:50	Passing
Period 7	1:50 – 2:40	Period 7

Minimum Schedule

Odd Days	Schedule	Even Days
Period 1	7:55 – 9:02	Period 2
Period 3	9:10 – 10:20	Period 4
Nutrition	10:20 – 10:32	Nutrition
Period 5	10:40 – 11:47	Period 6
Period 7	11:55 – 12:35	Period 7

Proposed calendar will follow the traditional LAUSD calendar. Students will follow block schedule format with three 90 minute classes per day plus a nutrition and lunch break. Middle school students will be grouped in small learning communities and have a core group of teachers will team teach English Language Arts/Social Studies, Math/Science. The entire class will rotate to teachers in designated core subjects; and the teachers will have the same group of students. Core classes will be in the morning to allow electives and interventions/tutorials in the afternoon. High school students will be scheduled into core classes and have electives/career development, tutorials, and community service in the afternoon. The target class size is 29:1 with an instructional assistant in English Language Arts and Math. This promotes student achievement since it allows for longer periods per day with fewer classes, and allows students time for intervention and tutorials. Teachers will be able to provide nurturing, and bond more closely with students. Professional development is built into the schedule as it allows time for departmentalized planning and collaboration. All of the above will increase the academic performance of students.

Instructional Minutes
The school will comply with and/or exceed the state minimum requirements for 6th – 8th grade level of 54,000 instructional minutes and 64,800 instructional minutes for grades nine through twelve. MATTIE Academy of Change will include all educational time under immediate supervision of a certified teacher and tutorial time in the middle of the day with a “closed” campus.

In addition, MATTIE will have an After School Enrichment program designed to supplement the educational program.

Typical Day at School

High School
When students arrive on campus they will go to a designated area after passing the security clearance for electronic devices and weapons. Breakfast will be served 7:15 am -7:45 am. Once the students have eaten breakfast, all students will report to their assigned classes. Instruction will begin at 7:55 am. Classroom teachers begin with welcome activities that include, but not limited to, the reading of the Daily Bulletin, which includes the word of the week for vocabulary building, writing prompts to improve student writing skills, and character building conflict resolution scenarios for discussion.

Students will be in class for a ninety minute block of time. Student schedules will consist of core classes in English, Math, Science, and Social Studies. Students will be scheduled according to their ability level (i.e., Basic, Proficient and Advanced). Some students' schedules will consist of electives and Physical Education. Schedules are delineated by Even and Odd days, these days and classes rotate weekly.

On a typical day at MATTIE Academy a visitor will see a high adult to student ratio throughout the day. Caring adults helping to maintain discipline and teaching core values will be obvious. Starting from 7:55 am and ending at 2:40 pm, the student day will include a rigorous curriculum being taught with an emphasis on the state content standards with relevance to students for maximum learning and the development of critical thinking skills. A visitor will observe fully engaged, happy, and self-confident students that are eagerly learning in the classroom or physical activities including sports and physical education. The core values will be reflected in the behavior of all involved at MATTIE Academy. Objectives of the lesson will be clearly stated on the board in the language of the learner. Students will be actively engaged and working collaboratively in groups.

Middle School
A typical day at the middle school will be the same as above except the teachers will team teach the core curriculum. Group A teachers will teach English, Language Arts, Social Studies while Group B teachers will be teaching Science and Math. All teachers will have the same cadre of students. Group A students will rotate to Group B, Group B will switch to Group A. All students will be in elective /exploratory class. Middle School students and classes will be located in separate academy on MATTIE campus.

After school enrichment and supplemental activities will begin at approximately 3:00 pm for all students, grades 6-12. The mission of the **After-school Enrichment Resource Center** is to help enrich the lives of disadvantaged boys and girls ages 10 to 17 by augmenting the quality of their academic, social and emotional needs in a fully, supportive and professional environment. As a result of completing 21 Challenges that correspond to seven areas of concentration in 21-week intervals these youth will discover and espouse the intrinsic values that will ultimately advance personal growth and empowerment. Subsequent to successfully completing these core applications— *Testing CAHSEE, College Prep & Empowerment*, *Goal Setting & Implementation, Creative Thinking & Self-Actualization, Civic Responsibility & Leadership*, *Oral Presentation, Health & Fitness and Social Enrichment*—program participants will be formally recognized in a ceremony acknowledged by family, friends and community.

The MATTIE Academy school day will be Monday through Friday. There will be 180 days in the calendar year. See Appendix G for Instructional School Calendar.

Describe how the instructional program will meet the needs of:

English Language Learners;
The school will meet all requirements of Federal law relative to equal access to curriculum for English learners. The instructional program will be presented in English with provisions to ensure comprehension for English language learners and development of English as a second language. The instructional program will be designed to promote language acquisition, oral language development and enriched learning opportunities for all students.

All English learners will participate in the core standards-based curriculum appropriate for their grade level as fully as their English language fluency will allow. To accelerate learning English and the mastery of the standards-based curriculum, teachers will provide special assistance to

them during regular classroom instruction and if needed, tutorial assistance will be provided for them outside of core class time. Students at beginning ELD levels will be mainstreamed with fluent English speaking students and fluent bilingual students in order to support English language development and comprehension of instructional input. In order to enhance EL students' vocabulary development, teachers will regularly work with them in small groups that will be determined by the ELD level of the students. We will delineate 45 minutes during the school day for focused English language development. This instruction will emphasize vocabulary development, phonemic awareness, and oral and writing English fluency.

The school will continually explore innovative ways and implement successful practices by which bilingual children can achieve their fullest potential. English learners will receive instruction utilizing the techniques of phonics, sheltered English, cooperative learning groups and experiential activities. Teachers, aides, other students, or parent volunteers will provide primary language support. The school will hire personnel and recruit bilingual community support and services to meet the primary language needs of English learners. English learners will be mainstreamed with fluent English proficient students and bilingual students.

Curriculum will be presented to English learners at beginning ELD levels in English utilizing Specially Designed Academic Instruction in English (SDAIE) techniques. This will include instruction utilizing sheltered English, cooperative learning groups and small group instruction. Sheltered English includes strategies that make language comprehensible. This requires an awareness of the student's prior knowledge and experiences, consistently building on background knowledge, using visuals, focusing on 1-2 major concepts and drawing out the main points. Cooperative grouping of students will encourage a peer coaching atmosphere and a high level of motivation to communicate that, which might not otherwise exist. Small group instruction will allow opportunity for individualizing the instruction to the needs of those particular students who have additional needs.

Our hands-on curriculum will enrich all curricular areas by emphasizing four critical elements: content, connections, comprehensibility and interaction. Instruction will be organized to assure a high frequency of interaction between students and other students, their teachers and the curriculum activities. English second language methodologies, in close alignment with constructivist practices of our program, will stress the use of students' background knowledge, visual perceptual skills and modeling. We will incorporate modified presentations by using pictures, songs, props, gestures, dramatization, and relevant displays. Appropriate pacing and integration of reading, writing, speaking and listening will be applied

English Language Development
We anticipate enrolling some students who are limited English-speaking students. All students will complete a Home Language Survey upon initial enrollment. Students who indicated a language other than English will be assessed with the California English Language Development Test (CELDT) to identify English Language Learners (ELL) and provide appropriate instructional services based on the results. In order to provide a learning program that is appropriate for ELL students, the Academy will provide a daily time block of English Language Development that is designed for their proficiency level (45 to 60 minutes). During this ELD session the students will be provided meaningful learning activities that develop their speaking, listening, and writing of the English language. The Academy will adhere to the California State Content Standards for English Language Development and English/Language Arts.

The design of the ELD instructional program will implement the State adopted textbooks and the embedded ongoing assessment of student progress to determine each student's acquisition of English. The student's progress will be monitored. Each student's goal is to make appropriate

yearly progress (1 level per year on CELDT). The Director of ELD will reclassify any EL students who meet minimum state criteria for reclassification.

The EL Program will incorporate instructional strategies and methodology that provides meaningful, hands-on learning activities that enable the ELL student to comprehend the concept/skill being taught. SDAIE (Specially Designed Academic Instruction in English) will be implemented into the EL Program of instruction as they are designed to support the development of the students' English proficiency and enable all ELL students to achieve the cognitive, cultural, and appropriate social skills that will support their daily learning performance and enable them to demonstrate significant growth in their academic achievement.

The school will also provide on-site workshops and staff development on good teaching practices that address the ELL learning needs on an as needed basis to ensure that these students are receiving the appropriate instructional program that advances their academic English proficiency level. The teachers will be given the opportunity to attend workshops on EL methodology as provided by the district.

The teachers will meet every two weeks to discuss and evaluate the progress of the ELL students and make adjustments to the instructional program. At the end of the school year these students will participate in all mandated State-testing instruments (CST, CELDT, CAHSEE, etc.). These test results will provide the school with the academic progress that these students made for the school year. These test results will also provide the school with what direction of instruction is needed to enhance the instructional program for the coming school year.

MATTIE Academy will select an appropriate program from the following State adopted Language Arts programs that provide ELD support for ELL students:

Prentice Hall Literature: Timeless Voices, Timeless Themes
Grade 6-12; Prentice Hall – publisher
Language! A Literacy Intervention Curriculum
Grade 4-12; Glencoe/McGraw-Hill (Sopris West)
High Point – Level A - C
Grades - 4-8; Hampton Brown
Voyager Passport
Grades - 4-8; Voyager Expanded Learning, Inc.

Teachers who teach English language learners will have appropriate state certification. All ELD teachers will have at least a CLAD credential. Teachers who teach CELDT level 1 students will have a BCLAD credential.

The APRENDA will serve as the assessment instrument for /English language learners who have been in the United States for less than one year.

Socioeconomically disadvantaged students;
MATTIE teachers will incorporate a wide variety of instructional strategies designed to address the different learning styles and developmental needs of students ages 11-18. Some of the instructional strategies include student investigations, cooperative/collaborative learning, whole group instruction, independent and self directed learning, peer coaching, graphing, concept mapping, self assessment, research and simulations. Additionally, MATTIE will be entitled to receive federal funding and categorical funding ie TITLE I, LEP etc for students receiving free or reduced lunch. These funds will be used to supplement instructional materials and supplies provide educational field trips hire additional personnel such as curriculum specialists, resource

teachers and instructional assistants to work with these students to lower class size professional development and training to teachers staff and parents Teachers will be able to provide academic support and after school tutorials

Gifted students;
The school plans to submit applications for the Gifted and Talented Educational Program. By indentifying these students the school will get additional funding to provide unique education opportunities for high-achieving and underachieving pupils. Special efforts will be made to ensure that pupils from economically disadvantaged and varying cultural backgrounds are provided with full participation in these unique opportunities.

The school will establish programs for gifted and talented pupils consisting of special day classes, part-time groupings, and cluster groupings. GATE curricular components are required to be planned and organized as integrated differentiated learning experiences within the regular school day and may be augmented or supplemented with other differentiated activities related to the core curriculum.

As much as possible, gifted students will be grouped together with other gifted students and such groupings may span several grade levels. During instruction, gifted students will be encouraged to explore concepts in greater depth and conduct independent studies or investigations. Students will be allowed some freedom to choose how to approach a problem or assignment and explore different points of view on a topic of study. More importantly, gifted students will not be asked to complete more work in the same manner or the same work assigned to their age-level peers. Where needed, consistent with research in the field of gifted and talented education, teachers will compact the curriculum to allow gifted students to move more quickly through the curriculum.

Assessment of progress will be consistent with the formal assessments used by the school (e.g., state testing, diagnostic testing, summative testing). Teachers will assess progress consistent with the differentiated objectives and instruction that are provided for each student. In addition to standardized tests, teachers will use portfolio assessments where students assemble representative samples of their work along with reflections and self-assessments.

Special education students
The MATTIE Academy will actively respond to the individual learning needs of students with disabilities through inclusion, through self - contained classrooms, through small groups and one on one instruction. The least restrictive environment will be adhered and implemented by the administration in order to meet the individual educational plans of students with learning disabilities. Hence, special education students will have access to general education core curriculum as well as receive supportive services based on their eligibility criteria as outlined in the Individual Disabilities Educational Act in 1997 as well as in 2004. Therefore, special education students will be expected to have access, to make academic progress, and to have on going assessment to improve their proficiency in English language Arts and in the Mathematics.

A pushed - in model of inclusion will be implemented at the MATTIE Academy in order to address the instructional needs of learning disabled students who behaviorally and who academically would benefit from an inclusive learning environment. General education teachers and special education teachers will receive highly qualified professional development on effective inclusion models in order to determine the collaborative format for co-teaching models based on educational research. The administration will schedule time for general education teachers and special education teachers to collaborate and to plan lessons that integrate

research based instructional strategies to meet the learning style needs of special need learners.

Students with special needs who cognitively and emotionally would benefit from self-contained classrooms will be serviced by highly qualified certificated teachers and with paraprofessionals in order to address their individual educational needs. Supportive staff such as speech pathologists, orthopedic therapists, physical therapists as well as assistive technology will be utilized to provide required services to meet the stipulations of each student's Individual Educational Plan. General education curriculum as well as California Alternative Program Standards will be used to provide students with special cognitive needs with an enriching and engaging learning experience on an on going basis.

Lastly, in order for the MATTIE Academy to meet the No Child Left Behind stipulation for special needs students to meet the Annual Measurable Objectives in English Language Arts and Mathematics, the administration will schedule before school and after school small group tutorial programs. The before school and after school programs will instruct learning disabled students in small groups and individually in the areas of English Language Arts and Mathematics utilizing tutors and computer assisted technology.

Classroom teachers will refer students who are failing academically to the Student Success Team to determine through the Response To Intervention model if students will be eligible for special education services. The administration and faculty will continually promote quality instruction and educational equity for all culturally, linguistically, and developmental needs of students. See Appendix D Special Education Plan.

The implementation plan for the school's instructional program, including a timeline for implementation of various components of the plan.

As identified in Appendix G Implementation Plan, MATTIE Academy plans to implement this proposal in the first year. Appendix G also includes the Curriculum Development Timeline. In years 2-5, assessments of academic and non-academic resources, based on the evaluations completed in a prior year, will determine how to make adjustments to accommodate the students in the classroom.

If the proposed school will serve high school students, describe the manner in which the charter school will inform parents about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. (Courses offered by the charter school that are accredited by the Western Association of Schools and Colleges may be considered transferable and courses approved by the University of California or the California State University as creditable under the "A" to "G" admissions criteria may be considered to meet college entrance requirements.)

Transferability of Course Credits
Parents will be informed about the transferability of course credits to neighboring public schools, and if the courses meet entrance requirements to the UC and CSU systems. Parents informed through Parent Rights Handbook, news letters, parent meetings, career day, college bound day.

A to G Admission Criteria
University of California "A-G" Entrance Requirements

Subject	Years Required

A. Social Science	2 years required: 1 year of World History & 1 year of US History or ½ year of US History & ½ year of American Government
B. English	4 years of college prep English Composition & Literature
C. Mathematics	3 years of math with minimum of Algebra, Geometry and Intermediate Algebra (4 years recommended)
D. Lab Science	2 years of Laboratory Science (3 years recommended)
E. Lang. Other Than English	2 years of the same Foreign Language (3 years recommended)
F. Arts	1 year of Visual and Performing Arts
G. College Prep Elective	1 additional year of electives selected from: History/Social Science, English, Foreign Language, Advance Math, Advanced Lab Science, Advanced Visual & Performing Arts, Advanced classes.

All students must pass the California High School Exit Exam (CAHSEE) in Math and English.

All high school science courses will meet state or local graduation requirements or the entrance requirements of the University of California or the California State University are based on the Science Content Standards. Every laboratory science course is based on the content standards and ensures that students master both the content-specific standards and investigation and experimentation standards. Students will be prepared to be successful on the California Standards Tests. All students take, at a minimum, two years of laboratory science providing fundamental knowledge in at least two of the following content strands: biology/life sciences, chemistry, and physics.

School will meet A-G Requirements by offering classes that meet UC & CSU entrance requirements. In addition, there will be classes in advanced English, Math, Lab science and foreign language, Visual& Performing arts. MATTIE Academy plans to have a College/Career center that will be open to all students who want to explore future goals and career plans. Up to date information on colleges will be available and representatives from colleges and universities trade and technical schools and military academies will be available to speak to students. Information on financial Aid & scholarships will be available as well as college entrance testing information and workshops.

Plan for Western Association of Schools and Colleges (WASC) Accreditation are as follows: MATTIE plans to create a school wide plan that has continuous assessment planning & implementation in order to demonstrate the ongoing improvement process required by WASC. In addition MATTIE school programs will address the academic needs of the students. MATTIE'S stakeholders plan to conduct a self study to determine what programs are effective and ensure that students meet expected school wide learning results and academic standards.(i.e. What should students know and be able to do by graduation) We will update school wide action plans in relation to student achievement and make appropriate revisions.

MATTIE plans to complete and submit request for WASC affiliation form by April 30, 2012
Complete and submit initial visit to school by September 2012.

Element 2 – Measurable Student Outcomes

The measurable pupil outcomes identified for use by the charter school. 'Pupil outcomes,' for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program." Ed. Code § 47605 (b)(5)(B)

*LAUSD - Specific Language

Set specific, measurable, and realistic student achievement targets as closely as possible for the anticipated student population for the following:

- API scores
- AYP AMOs
- CST scores
- CAHSEE scores (if applicable)
- Graduation rates (if applicable)

MATTIE Academy for Change is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets:

- API score of 800 (or growth as required, if applicable)
- AYP AMOs as required, currently to reach 100% by 2013-14
- All subgroups make at least 80% of the school target
- CST participation rate of at least 95%

In addition, MATTIE Academy for Change holds the following goals:

- **California Standards Test:** A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and Math
- **CAHSEE:** Passing rates of 90% or higher by grade 12
- **Graduation:** Rates 90% or higher
- **English Learners**: English Learners at MATTIE
- will progress on average one band increase on the CELDT each year.
- **Special Education Students:** Special education students will demonstrate appropriate progress toward goals in their IEPs each year.
- **Student Attendance:** MATTIE Academy will maintain at least 95% Average Daily Attendance.
- **Parent Satisfaction:** MATTIE Academy will demonstrate a high level of parent satisfaction -- 80% or higher -- based on surveys.

To achieve the above goals, MATTIE Academy will have a plan in place to prepare students for the CST and CAHSEE, The current iteration of this plan is:

1. Familiarize students with test formats and teach all year long.
2. Celebrate successes.
3. Post test scores in front office by grade level.

4. Evaluate and analyze spring test results and fall pretest.
5. Identify areas of strengths and weakness.
6. Address areas of strengths and weakness.
7. Department chairpersons will distribute the test prep materials to their grade levels.
8. Teachers' lesson plans will reflect the use of these materials in their lessons.
9. The entire school will participate in designated blocks of time for school wide test prep.
10. Parents will be involved in test prep plan.
11. Teachers of special need students will identify and modify materials necessary for successful testing.
12. Each student will be given a prescribed individual profile.
13. All categorical funds will go toward improving student achievement.
14. Provide incentives for both students and staff.

The following are current implementation components:

1. Release time will be provided for professional training/staff development for entire staff.
2. Site administrators will monitor classrooms to see that the test prep plan time is being followed by all teachers.
3. There will be a kick-off assembly to motivate students for success.
4. The MATTIE Academy Charter School on track plan will be used to motivate and reward students. Success on test equals hard work and good choices. High scores indicate to a child that he or she has learned something.

Element 3 – Method by Which Student Outcomes will be Measured

"The method by which pupil progress in meeting those pupil outcomes is to be measured." Ed. Code § 47605 (b)(5)(C)

*LAUSD - Specific Language

Testing
The Charter School agrees to comply with and adhere to the State requirements for participation and administration of all state mandated tests. If the Charter School does not test (i.e., STAR, CELDT, CAHSEE) with the District, the Charter School hereby grants authority to the state of California to provide a copy of all test results directly to the District as well as the Charter School.

Describe the methods for assessing attainment of student outcomes and how these assessment measures are consistent with the school's proposed instructional program;

MATTIE Academy will assess core student performance using state assessment instruments, which are consistent with the school's mission and instructional program.

Mission: To foster learning, achievement, technological sophistication, and citizenship preparation for students in Grades 6 - 12 in the City of Los Angeles whose educational needs are underserved because of economic, political, and social conditions that work against them.

Instructional Program: The California Curriculum Standards, Grades 6-12, including content standards, learning expectations, accomplishments and benchmarks will serve as the primary program for the school's curriculum.

Identify additional "in house" benchmark assessments to be used by the school to assess student progress on an ongoing basis and how frequently the assessments will be administered;

In addition to state assessments, the school will use a variety of in-house assessments, as listed below.

- **Quarterly benchmarks.** MATTIE Academy will use a nationally-normed assessment, STAR by Renaissance Learning, in English and Math to provide a value-added growth measure of student progress quarterly
- **CST-aligned Diagnostic.** MATTIE Academy will use an assessment predictive of CSTs scores, Link-It! Express for California Learns, quarterly to assess student progress toward CST goals.
- **Classroom-based tests, quizzes, and homework assignments.** In all content areas, MATTIE Academy will administer publisher assessments throughout each unit (informal) and at the end of each unit (formal)
- **Portfolios of written work graded pursuant to school-developed rubrics.** In all English and Social Studies, MATTIE Academy will use portfolios to document growth over time at least twice year, as major portfolio assignments are created, revised and completed.
- **Lab results graded pursuant to school-developed rubrics.** In Science, MATTIE Academy will use rubrics to assess the development of students' scientific thinking and process at least twice a year

- **Public presentations of projects graded pursuant to school-developed rubrics.** MATTIE Academy will use rubrics to assess the development of students' higher order thinking and process skills at least twice a year through interdisciplinary or discipline-specific projects
- **Teacher observations/narratives.** In all content areas, MATTIE Academy will use observation and narratives to assess qualitative aspects of student progress twice a year
- **Student self-evaluations** In all content areas, MATTIE Academy will use student self-evaluations to provide additional insight into student progress twice a year

MATTIE Academy for Change will provide in-depth support for identified groups or individuals in need of additional support:

- Implement Portfolio of Evidence that Single Plan for Student Achievement
  - Supports implementation of Essential Program Components (EPC's)
  - Demonstrate the School's ability to strategically and effectively implement the plan
  - Ensure evidence documenting the school's efforts, progress, and achievement for CCR, WASC and other compliance reviews
- Analyze and interpret subgroup data
- Assess student achievement at the grade level and/or department level
- Target and support high priority students
- Assess implementation of priority strategies such as differentiated instruction, higher order thinking skills, thinking maps and school-wide writing

Assessment through observation will not be a once a year event. Teachers will maintain anecdotal records of each student throughout the year. These records, along with test scores and portfolios, will form the basis of parent-teacher conferences. Teachers will have one hour each day, during their students' studio period to record observations and to meet with other teachers in their clusters for sharing observations and planning.

Assure that state mandated assessments will be administered;
Per California Law, all students will be assessed annually via California required tests. Staff will use the results in addition to other assessments for diagnostic, remedial, and enrichment purposes.

Describe how assessment data will be used to inform instruction and professional development on an ongoing basis.
Student evaluation data will be carefully analyzed on a regular basis to determine individual student strengths and weaknesses. Teachers will use the aforementioned assessments to determine skills and information that students have mastered and specific learning needs or deficits. These data will be the foundation for students' intervention (making decisions about what to teach next and for ameliorating any identified learning deficits). Teachers will be able to address individual student learning needs effectively by using assessments as the basis for designing learning activities appropriate to the learning style of the individual student.

Teachers will use assessment data to make suggestions for family learning activities that address students' learning needs and help to improve student achievement. Assessment data will also be used to inform parents both of their child's progress and of the specific learning needs that they can help to address. As parents are informed they will be able to make informed choices about the role they will play in improving student achievement. Assessment data will be shared with students to inform them of their progress, identify their learning needs and help them to assume appropriate responsibility for their own learning.

If formative and summative data analysis suggests that adequate yearly progress is in jeopardy, immediate steps will be taken. These steps include remedial instruction on targeted areas as revealed by diagnostic and achievement tests. Furthermore, as these areas are identified, staff will be provided with professional development in designated content, pedagogy, and instructional strategies. Finally, consistent with the performance culture of the school continued employment and salary adjustments will be based on yearly academic measures.

Element 4 - Governance

"The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement" Ed. Code § 47605 (b)(5)(D)

*LAUSD – Specific Language

MATTIE Academy of Change and/or its non-profit corporation is a separate legal entity and will be solely responsible for the debts and obligations of the Charter School

The MATTIE Academy of Change Charter School will comply with the Brown Act.*

*Members of the [Charter School's] executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD's Charter School policies and regulations regarding ethics and conflicts of interest.

*The District reserves the right to appoint a single representative to the charter school board pursuant to Education Code section 47604(b).

MATTIE Academy of Change will encourage parents to form a parent advisory committee to the school's governing board. The school will also work with parents to develop and adopt a set of parent involvement policies and strategies. The school will maintain in effect general liability and board errors and omissions insurance policies.

The Parent's Association will also create and operate the Parent Education and Resource Center. Through workshops, parent advising and other programs, the Center will assist parents in assuming the supportive role that will enhance their children's academic achievement.

A key goal of this new school is that of empowering parents as educational partners. Parents should feel that their voice and participation at the school influences the development of every aspect of the school and its components. Parents will have the opportunity to participate in a variety of meaningful ways at the school site.

A central tenent of the MATTIE ACADEMY is parental involvement, both hands-on in the classroom and in advisory roles as well. Parents will be involved at every level management and operations. The school will develop policies and procedures governing parent participation in the School. These will include the minimum number of hours of service expected in an academic year, and the activities and jobs to be carried out by parents.

MATTIE ACADEMY of Change will be non-sectarian in its programs, admissions policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate on the basis of race, ethnicity, national origin, gender, or disability.

Members of the MATTIE Academy executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD's Charter School policies and regulations regarding ethics and conflicts of interest.*

The District reserves the right to appoint a single representative to the charter school board pursuant to Education Code section 47604(b).*

The charter school and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.*

G*rievance Procedure for Parents and Students*
Charter School will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 (Title IX) and Section 504 of the Rehabilitation Act of 1973 (Section 504) including any investigation of any complaint filed with Charter School alleging its noncompliance with these laws or alleging any actions which would be prohibited by these laws. Charter School will notify all its students and employees of the name, office address, and telephone number of the designated employee or employees.

Charter School will adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action, which would be prohibited by Title IX, or Section 504.

Charter School will implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex or mental or physical disability in the educational program or activity which it operates, and that it is required by Title IX and Section 504 not to discriminate in such a manner.

LAUSD Charter Policy*
"The MATTIE Academy of Change Charter School will comply with the District policy related to charter schools, as it may be changed from time to time, after notice and reasonable opportunity for input from the Charter School Collaborative..

Responding to Inquiries
The MATTIE Academy shall promptly respond to all inquiries, including but not limited to, inquiries regarding financial records, from the District and shall consult with the District regarding any inquiries. MATTIE Academy acknowledges that it is subject to audit by LAUSD including, without limitation, audit by the District Office of the Inspector General.

If an allegation of waste, fraud or abuse related to the Charter School operations is received by the District, the Charter School shall be expected to cooperate with any investigation undertaken by the District and/or the Office of the Inspector General, Investigations Unit.

Notifications
Notification is to be made to the Innovation and Charter Schools Division of any notices of workplace hazards, investigations by outside regulatory agencies, lawsuits, or other formal complaints, within one week of receipt of such notices by MATTIE Academy.

*Audit and Inspection of Records**
Charter School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining their charter authorization:

- Charter School is subject to District oversight.
- The District's statutory oversight responsibility continues throughout the life of the Charter and requires that it, among other things, monitor the fiscal condition of the Charter School.
- The District is authorized to revoke this charter for, among other reasons, the failure of the

Charter School to meet generally accepted accounting principles or if it engages in fiscal mismanagement.

Accordingly, the District hereby reserves the right, pursuant to its oversight responsibility, to audit Charter School books, records, data, processes and procedures through the District Office of the Inspector General or other means. The audit may include, but is not limited to, the following areas:

• Compliance with terms and conditions prescribed in the Charter agreement,
• Internal controls, both financial and operational in nature,
• The accuracy, recording and/or reporting of school financial information,
• The school's debt structure,
• Governance policies, procedures and history,
• The recording and reporting of attendance data,
• The school's enrollment process,
• Compliance with safety plans and procedures, and
• Compliance with applicable grant requirements.

The Charter School shall cooperate fully with such audits and to make available any and all records necessary for the performance of the audit upon 30 days notice to Charter School. When 30 days notice may defeat the purpose of the audit, the District may conduct the audit upon 24 hours notice. In addition, if an allegation of waste, fraud or abuse related to the Charter School operations is received by the District, the Charter School shall be expected to cooperate

State whether the school is proposing to be an independent or affiliated charter;
The MATTIE Academy of Change will be an independent charter school.

Affirm that the school will be operated by a nonprofit public benefit corporation;
The MATTIE Academy of Change will be operated by a nonprofit public benefit corporation. Evidence of nonprofit status is shown in Appendix A.

Provide by-laws for the nonprofit public benefit corporation;
The nonprofit corporation by-laws are shown in Appendix A.
The charter school and/or its non-profit corporation will be solely responsible for the debts and obligations of the charter school.*

BOARD OF DIRECTORS
MATTIE Academy Charter School Board of Directors is composed of the following people:

Naomi Ferns, Retired District level Administrator
Joycelyn Adams, Parent Community
Roger Branch Jr., Accounting and Finance
Michael Luther DDS, MPH
William D. Keith M.D.
Bishop Emory Lindsay

Resumes of the MATTIE Academy Board are in Appendix I.

How often the governing board will meet;
The Charter School Board will meet monthly and meetings dates and reminders will be posted on the school's web site, at the school, and with flyers sent home with students.

The process for selecting governing board members;
Charter School Board members will be selected on the basis of the special skills, talents, and expertise that support the educational and moral development of the students of the school. As needed to replace members, a search will be conducted within the community by the existing board to identify candidates who possess the following:

- A shared vision and commitment to the school's mission
- Credibility and integrity in the community
- Significant educational, professional, or practical qualifications.

Candidates will be interviewed by existing board members and asked to indicate the value that they will offer to the board and the school. The entire board will vote on the candidates and make their final selections.

Removing Governing Board Members
Any member may be removed with or without cause at any regular or special meeting of the Charter School Board by the affirmative vote of a majority of the members then in office. A member who fails to attend three (3) consecutive meetings of the board without any reasonable excuse shall be automatically removed from the board unless the board affirmatively decides to retain such member.

The manner for posting meeting notices, distributing agendas and recording governing board actions.
The school will comply with Open Meetings law and will announce meetings through postings on the school's web site, at the school, and with flyers sent home with students. The school's website will have a Board folder where agendas, minutes, and board actions will be posted.

School Governance Council
MATTIE Academy Charter School will have an on-site Governance Council. The School's Governance Council shall consist of the CEO, principal, parents, teachers, classified staff representation, and local community members. The Governance Council provides suggestions and recommendations to the Principal and Executive Director on issues including, but not limited to, budgeting, curriculum, school policies, school/community participation, and the general direction of MATTIE Academy Charter School. The leadership team collaborates to assess the strength and weaknesses of the educational program in order to raise academic achievement and examine best practices, and effective strategies that work in effective schools.

Involvement in the Governance Council and the various Governance Council committees will provide for direct parent and teacher involvement in the ongoing process of reviewing and revising the school's educational program. This will enable us to continue to meet the unique and changing needs of MATTIE's students. All Governance Council and committee meetings will be open to the public in accordance with the Brown Act, and all stakeholders and interested parties will be encouraged to contribute agenda items for discussion. Meeting schedules will be made available to the public (including on the school website and via organized email blasts), and an agenda of each meeting will be posted publicly (at the school site and on the school's website) at least 72 hours in advance thereof. All meetings will be held in accordance with the posted agenda and any items raised during any "public comments" period will be added to a later agenda for official discussion. The Governance Council and committees will also comply with all Brown Act requirements related to Special Meetings. Minutes of meetings will also be

posted in a public area and on the website. The foregoing meeting requirements will be subject to any exceptions permitted under the Brown Act.

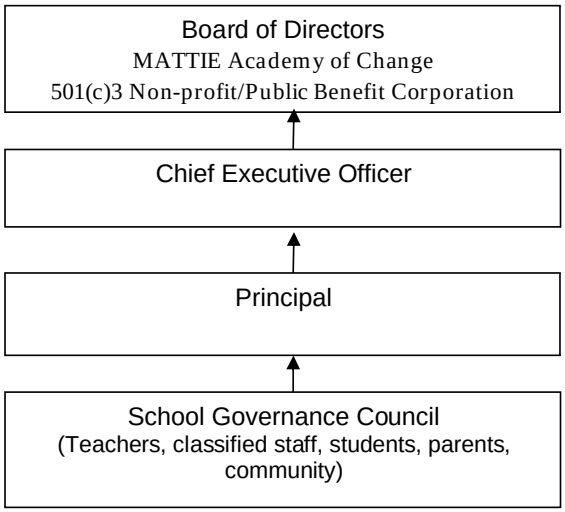
The Governance Council will develop a school wide plan to increase academic performance of all students. Members of the governance council will meet with members of their various departments/committees to discuss concerns and issues related to curriculum, achievement, and/or activities. Meetings will include agendas and recommendations/suggestions. The governance council will share agenda items with all stakeholders. The team will institute mechanisms and control systems to enhance effectiveness and efficiency to produce higher levels of accountability.

Committees will be formed as the need arises. Committees will be formed to make decisions in the following areas: Budget, Personnel, Currriculum, Professional Development/Training, (administration, faculty and parents) School environment, and School governance systems. Committees will meet weekly, have agendas, rotate chairpersons.

Committees are advisory and will have at least one parent and one staff member as members. The Committee chairperson must establish a meeting agenda and submit a summary of all meetings to the Governance Council Chair and/or the Council Secretary. Committees may elect a chairperson at their first meeting. In the event that no one accepts the chairperson position, the Governance Council Chair will appoint a chairperson. Committee meeting dates and times will be determined by the Council, as needed.

Provide an organizational chart showing the relationship of the governing board to the leadership of the school;

Accountability and Reporting Structures



The above chart reflects the relationships of the decision-makers of MATTIE Academy of Change. A full organizational chart for the school is provided in the appendix.

Provide an assurance that the governance meetings will comply with the Brown Act;
The MATTIE Academy of Change charter school will comply with the Brown Act by guaranteeing the public's right to attend and participate in its meetings. As described above, all Board of Directors, Governance Council, and committee meetings will be open to the public in accordance with the Brown Act, and all stakeholders will be encouraged to contribute agenda items for discussion. Meeting schedules will be made available to the public (including on the school website and via organized email blasts), and an agenda of each meeting will be posted publicly (at the school site and on the school's website) at least 72 hours in advance thereof. All meetings will be held in accordance with the posted agenda and any items raised during any "public comments" period will be added to a later agenda for official discussion. The Board of Directors, Governance Council, and committees will also comply with all Brown Act requirements related to Special Meetings. Minutes of meetings will also be posted in a public area and on the website.

The Principal will be the core of the administration. As for the responsibilities of the principal of MATTIE Academy, he/she must be an integral member of the learning community comprised of students, staff, and families. The Principal must support shared decision-making, promote collaborative leadership, and require accountability from all people in the school.

The Principal will be evaluated once yearly by the CEO, using clearly defined criteria and procedures established by the Governance Council. These criteria include commitment to MATTIE Academy's mission and goals, a high level of professionalism, and a high level of accomplishment. The Governance Council will also specify the tools to be used in the

evaluation process. Such tools may include written evaluations based on performance specified by MATTIE Academy curriculum. The interaction between administration and teaching staff, and administration and parents will constitute a significant criterion in evaluation of the Principal.

Ensuring parental involvement
A key goal of this new school is that of empowering parents as educational partners. Parents should feel that their voice and participation at the school influences the development of every aspect of the school and its components. Parents will have the opportunity to participate in a variety of meaningful ways at the school site.

The school will involve parents in its operations by including them in the decision-making and inviting them to all board of director meetings. The Charter School Board will be comprised of parents, community members and other individuals and those members will be actively involved in governance activities. Additionally, all Charter School Board meetings will be open and will hear and consider suggestions and other input on the school's governance. Furthermore, the Charter School Board will have a Parent and Community Involvement Committee, which work to ensure meaningful parent involvement. Its activities will be as follows:

- Communicate school activities and issues of interest to the broader community.
- Engage parents and community members in dialogues around major decisions impacting the school and the community.
- Monitor and support school outreach, adult education, and outreach programs for parents.

Parents will be involved in decision making capacities at the school as they continue to work with Charter School Board members, community groups, state and local politicians, and in school support service groups. Parents will be invited to participate in dialogues with teachers, occupy position of authority within the Charter School Board, and act in facilitative roles within the campus community. The school expects to be a Title I school and therefore, will have a parent liaison who will establish a parent center and provide a variety of resources and support to parents. Parents will be encouraged to volunteer in the school including attending field trips, helping with tutorials, helping teachers construct or duplicate materials, helping in the lunchroom, reading with students, and sharing their skills.

Parents will be invited to communicate directly with charter school board members through email and phone numbers that will be distributed during parent meetings and posted at the school. Furthermore, charter school board meetings will be publicized in advance so that parents know when meetings are held and have opportunities address the board directly in a public forum. The school will have an Internet site, which will provide updated information about the school and will include a Contact Us link to facilitate communication with the charter school board.

The school will encourage parents to form a parent advisory committee to the school's governing board. The school will also work with parents to develop and adopt a set of parent involvement policies and strategies. The school will maintain in effect general liability and board errors and omissions insurance policies.

The Parents' Association will administer a parent-participation program and will provide input to the Charter School. Additionally, the association will plan and conduct fund-raising, and will serve as a support network for school families. Current families will serve as mentors to families who are new to the school.

MATTIE plans to have all of the parents commit time, effort, and energy towards the student's and School's success. The Parent Agreement outlines ways that parents agree to participate and provide support. Although this agreement is not legally binding, and students cannot be removed from the school if parents do not fulfill its terms, the Parent Agreement will clearly define what is expected of parents. Parents will be encouraged to choose their path to school participation based on their talents, schedule and interests.

The Agreement outlines specific responsibilities expected of our parents. At the end of the school year, each family will be evaluated according to the Parent Agreement. Letters of invitation will be given to those families that have complied with the Agreement.

PARENT AGREEMENT OUTLINE

Parents agree to:
I. Provide Home and Academic Support by:

a) Assisting and monitoring homework assignments
b) Ensuring that your child/children participates in community service learning
c) Following through with school recommended actions

II. Provide School Support by:

a) Ensuring that my child/children arrive to school on time and adhere to the schools absence/tardy policy
b) Supporting and adhering to the School's discipline policy
c) Adhering to the School's uniform policy

III. Participate by:

a) Attending and participating at monthly parent meetings
b) Volunteering a minimum of three (3) hours per month and one (1) additional hour for each additional student enrolled at the School

It is recognized that parental participation expectations can be fraught with challenges. MATTIE Academy community will act sensitively and flexibly with regard to policies and procedures related to those expectations. If a parent cannot fulfill his or her obligations to the school, then a relative or community resource person will be asked to volunteer.

Contain an assurance that members of the Charter School's executive board, any administrators, managers or employees, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD's Charter School policies and regulations regarding ethics and conflicts of interest;

The MATTIE Academy of Change Charter School Board, school administrators, managers, and any other committees of the School shall comply with federal and state laws, nonprofit integrity standards and LAUSD's Charter School policies and regulations regarding ethics and conflicts of interest.

Element 5 – Employee Qualifications

"The qualifications to be met by individuals to be employed by the school." Ed. Code § 47605 (b)(5)(E)

*LAUSD – Specific Language

MATTIE Academy believes that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment.*

Describe the necessary qualifications for school employees;
All professional staff (administrators and teachers) will be required to have state certification appropriate to their positions and meet the minimum requirements for licensure as defined by the state board of education. Prospective employees will be asked to submit evidence during the application process. All school staff will be required to undergo a criminal background check and fingerprinting through the local police department prior to hiring.

MATTIE ACADEMY has partnered with EdFutures, Inc (EDF) to provide operational functions and staff from experienced personnel. The EDF personnel assigned onsite will also be required to undergo a criminal background check. All other non-instructional staff will possess experience and expertise appropriate for their position within the school as outlined in the school's staffing plan and the school's adopted personnel policies.

MATTIE ACADEMY will retain or employ teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the California Commission on Teacher Credentialing. These teachers will teach the "core" academic classes of mathematics, language arts, science, and history/social studies. These teachers will be responsible for overseeing the students' academic progress and for monitoring grading and matriculation decisions as specified in the school's operational policies.

Along with requisite professional background and experience, administrators, other non-instructional staff, teachers, teachers' aides, and all others having on-site duties at MATTIE ACADEMY satellites will be expected to demonstrate appropriate personal maturity and moral integrity sufficient to justify their participation in educational and other life-shaping experiences for children and youth.

Given the special concern of MATTIE ACADEMY to prepare students for the workplace in the 21st century, teachers and teachers' aides will especially be expected to have knowledge of and experience with educational methodologies and technologies currently in use, with special attention to how they relate to educational approaches and methods.

- MATTIE Academy will comply with the provisions and procedures of Education Code 44237 – California Education Code Section 47605(b)(5)(f), including the requirement that as a condition of employment each new employee must submit two sets of fingerprints to the California Department of Justice for the purpose of obtaining a criminal record summary. No employee will be permitted to commence work at MATTIE Academy until clearance has been obtained from the Department of Justice.

- Volunteers who will volunteer outside of the direct supervision of a credentialed employee shall be fingerprinted and received background clearances prior to volunteering without the direct supervision of a credentialed employee.

- All non-certificated and certificated staff will be mandated child abuse reporters and will follow all applicable reporting laws, the same policies and procedures used by the Charter Authorizer.

- Faculty, staff and volunteers will be tested for tuberculosis prior to commencing employment and working with students as required by Education Code Section 49406.

- All students enrolled and staff will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.

These policies and procedures will be incorporated as appropriate in the school's student and staff handbooks and will be reviewed on an ongoing basis in the school's staff development efforts and governing board policies

Persons who work at the charter school shall be selected, employed, and released by the charter school which will set the terms and conditions of employment. The school will not discriminate against any applicant on the basis of his/her race, creed, color, national origin, age, gender, disability, or any other basis prohibited by law.

The following pages contain the job descriptions of employee positions at the MATTIE Academy Charter School.

Job Descriptions

Chief Executive Officer (CEO)

REPORTS TO: Board of Directors

Qualifications: Master's Degree, Doctorate
Experience Minimum, three years successful administrative.
Must possess Administrative Services credential, Secondary teaching credential and Pupil Personnel Services credential

General Duties: The job of the CEO shall be to oversee the administrative, managerial, and operational oversight of the school by ensuring the smooth and efficient execution of the school and its purposes and goals.

SPECIFIC DUTIES:

Responsibilities

- Manage and empower staff. Build an organizational culture that attracts, sustains and motivates a diverse staff of top quality people devoted to the mission.
- Oversee the development of sound human resource practices, including the recruitment of new staff and regular performance evaluations.
- Motivate and inspire the network of advisors and volunteers. Stay abreast of relevant needs and ensure that organization is responding appropriately.
- Lead the development of strategic and operational plans, in collaboration with the management team and the board. Execute these plans and monitor their progress. Advance the school's mission and direction.
- Direct the preparation of the annual budget and ensure that the organization operates within budget guidelines.
- Maintain sound financial practices and oversee legal compliance.
- Working with staff and board of directors, raise funds necessary to carry out the mission and to grow the school.
- Oversee the development and implementation of the annual fundraising plan for the school.
- Engage directly in donor cultivation and solicitation.
- Act as a public spokesperson for the school and direct the communication efforts to State governing authorities and other audiences, including students, parents, teachers, and school administrators, City, State, Federal government, as well as the private/business sector.
- Strengthen the engagement of the Board of Directors in both fundraising and program development.
- Serve as the liaison between board and staff and guide board development.

Qualifications

- A professional background comprised of credentials and experiences that will validate his/her stated understanding of charter schools;.

- A firm grasp of the principles and practices involved in effective and inclusive leadership and management. Specifically, an inspiring leadership style that engages the support and talents of the staff, leads by example, and encourages creativity and productive, high-quality work.
- Significant administrative experience at a senior management level with evidence of performance under tight budget constraints a plus;
- Proven experience in preparing an annual budget and in financial and operations management.
- Demonstrated experience in raising funds annually from institutional donors, foundations and major donors.
- A superb ability to chart strategic directions that result in clear operational goals.
- Experience working directly with a Board of Trustees, the ability to anticipate Trustee expectations, and an intuitive understanding of the CEO/Board relationship
- Excellent written and oral communication skills. Ability to articulate the vision and mission of the school.
- Superb grassroots skills, including the ability to convey ideas and positions to numerous audiences including principals, community groups, teachers, students, and particularly parents

Desired characteristics

- Believes in and utilizes a collaborative style of leadership and management with board and staff respectively.
- Ability to be both strategic and analytical.
- An innovative thinker, able to generate creative ideas and also receptive to new ideas.
- Understands key issues.
- Passionate about social change.
- Build credibility and multi-cultural sensitivity.
- Entrepreneurial, with openness to working with the government and private sector.

Principal

REPORTS TO: Chief Executive Officer (CEO)

The Principal should possess leadership abilities and a comprehensive educational vision that is consistent with the school's mission and educational program. In addition, the Principal should possess skills in hiring and supervising excellent teachers, technological and data-analysis experience, and if possible, business experience. Experience in a school serving a high-risk population, including minority children in the inner city, is required.

Qualifications:	Must possess an Administrative Services credential/ and Master's Degree
Experience	Minimum, three years successful administration; Possess either Secondary teaching or Pupil Personnel Services credential.

Knowledge and Skills:

- Experience implementing high academic standards and curricula in an educational setting, preferably in an urban setting
- Knowledge of flexible school scheduling, especially "continuous progress" systems which differentiate instruction for individual students, based on assessments of their academic skills
- Capacity to build a school culture which mobilizes the effort of students, staff, and parents to achieve the mission of all students achieving at high levels
- Knowledge of effective practices motivating students to adhere to high standards of conduct
- Knowledge of urban children and their families, especially of those from the dominant cultural groups represented in the school's student population
- Capacity to facilitate groups to plan and make decisions
- Capacity to build relationships which foster the development of staff
- Capacity to analyze data on student learning to identify needs for improvement in instruction
- Capacity to observe, evaluate, and select effective teaching and teachers
- Skill in oral and written communications
- Ability to manage multiple tasks simultaneously while prioritizing projects and assignments
- Experience working under time pressure and maintaining a positive work environment

Beliefs and Attitudes

- Unshakable belief that children from under-resourced communities can reach the highest academic levels.
- Persistence and resourcefulness in overcoming obstacles to solve problems
- Acceptance of personal responsibility for the educational results of the school
- Flexibility/willingness to embrace change
- High personal ethical standards
- Comfort with smart, highly skilled, assertive staff members
- Sense of humor, can make work playful
- Lifetime interest in how people learn and on one's own personal development

Program Facilitator

REPORTS TO: Chief Executive Officer (CEO)

The Program Facilitator supports plans, organizes, coordinates and administers a variety of education-related categorical and special projects, services, functions, and activities; and performs all other related duties.

Qualifications:	Bachelors Degree, with major coursework in Education or Business.
Experience:	Five years of job-related experience with demonstrated competence in an Administrative Services position.

Knowledge and Skills

- Skill in planning, organizing and coordinating service and staff functions
- Ability to interpret administrative regulations and office procedures
- Analytical ability to closely review complex and sensitive situations and recommend appropriate forms of action
- Ability to design, implement, and evaluate program evaluation and reports
- Skill in communicating both orally and in writing with business, education, and community leaders
- Skill in collecting and assembling data, preparing reports, monitoring progress
- Skill in budget preparation
- Ability to modify system procedures and programs within area of responsibility

Responsibilities

- Program coordinaton and operations
- Monitors and tracks assigned grant development activities
- Provides technical assistance to the Office and School District staff
- Responsible for special projects
- Program evaluation
- Selects, trains, and delegate responsibility support staff
- Develops and monitors budgets and expenses as appropriate to projects grants and programs as assigned

Assistant Principal - Middle / High school

REPORTS TO: Principal

QUALIFICATIONS:

- Masters Degree in Educational Administration; Administrative Credential
- Three years teaching/counseling experience
- Teaching and administrative experience at the High School Level preferred
- Successful applicant will need to demonstrate proficiency in the following areas:
- Staff relations, School Community, Leadership Qualities, Educational Proficiencies, and Administrative Skills.

RESPONSIBILITIES:

1. Demonstrates instructional leadership to enhance school effectiveness by improving instruction and augmenting student performance.
2. Provides purpose and direction for schools/county.
3. Demonstrates cognitive skills to gather analyze and synthesize information to reach goals.
4. Manages group behaviors to achieve consensus.
5. Enhances quality of total school/county organization.
6. Organizes and delegates to accomplish goals.
7. Communicates effectively.
8. Assumes responsibility for assisting in the general supervision of all school activities involving pupils, teachers, and other school personnel.
9. Assists in establishing and maintaining an effective learning climate in the school.
10. Assumes responsibility for the school in the absence of the principal.
11. Assists in the provision of a school-wide discipline program.
12. Maintains high standards of student conduct and enforces discipline according to due process for the rights of students.
13. Maintains school records in areas such as discipline and grades.
14. Supervises the maintenance of accurate records on the progress and attendance of students and works with the County Attendance Director on the attendance and drop-out prevention programs.
15. Evaluate and supervise staff.
16. Performs additional reasonable job-related responsibilities assigned by the building principal.

Teacher(s)
The most important qualifications for our teachers are: (1) caring about our students; (2) familiarity with or willingness to be trained in the school's curriculum sequence and learning styles; (3) ability to demonstrate effectiveness in teaching, preferably in a culturally diverse setting; and (4) a willingness to work hard and to take responsibility and exercise leadership for the school as a whole.

Reports to: Principal/Assistant Principal
Qualifications: Bachelor's degree and State Certification/license as defined by the state board of education. Subject to background checks, conducted in a manner consistent with the law, prior to hiring. If assigned to work with special education and related services or bilingual education, state certification in area of assignment.

Responsibilities:
- Accountable for designing, implementing, and monitoring the learning experiences of each student and class.
- Provide comprehensive instruction consistent with state curriculum standards
- Establish challenging goals or targets for improvement of individual and overall student academic performance. These goals will be a combination of absolute measures and measures of progress.
- Analyze data from assessments of student work to determine which teaching strategies need to be expanded and which need to be replaced by more effective ones.
- Work collaboratively with school staff, students, parents, and community partners and responsible for communicating regularly with parents.
- All staff must meet and maintain the behavior established in the charter school's Code of Ethics.
- Other duties, as assigned.

Knowledge and Skills:
- Experience implementing high academic standards and curricula in an educational setting.
- Capacity to teach in a school, which mobilizes the effort of students to achieve the mission of all students achieving at high levels.
- Knowledge of effective practices that motivates students to adhere to high standards of conduct.
- Knowledge of urban children and their families, especially of those from the dominant cultural groups represented in the school's student population.
- Capacity to analyze data on student learning to identify needs for improvement in instruction.
- Skill in oral and written communications.
- Capacity to work as an effective team member.

Special Education Teacher/Coordinator
Reports to: Principal

Qualifications: Bachelors degree/certification as Special Ed. Teacher
Minimum Requirements: Special Education teachers need to comply with all Federal and State laws regarding students with disabilities.

*Responsibilities***:**

- Uses appropriate assessments to screen students in need of special education services and support.
- Plans and monitors implementation of individualized educational programs (IEPs) for students identified with special learning needs.
- Provides individualized and small group instruction according to student IEPs.
- Provides individualized and small group counseling on education and personal problems that relate to the student's growth and development.
- Conferences frequently with parents and staff members on each pupil's progress.
- Special Education Teachers will analyze data from assessments of student work in collaboration with their teams to determine which teaching strategies need to be expanded and which need to be replaced by more effective ones.
- Other duties, as assigned

Knowledge and Skills:
- Experience implementing academic standards and curricula to special education students in an educational setting.
- Capacity to teach in a school, which mobilizes the effort of students to achieve the mission of all students achieving at high levels.
- Knowledge of effective classroom management practices motivating special education students to adhere to high standards of conduct.
- Capacity to analyze data on student learning to identify needs for improvement in instruction for the special education population.
- Skill in oral and written communications.
- Capacity to work as an effective team member by interpreting the abilities and disabilities of special education students to the entire staff.

Counselor
Reports to: Principal or Assistant Principal

Qualifications: Bachelors degree/certification as school counselor

Responsibilities:
- Provide individual planning sessions for each student in the areas of academic planning and career awareness
- Conduct small group counseling sessions in response to identified needs within the school system. Topics may include academic skill building, social development, career awareness, conflict resolution, family issues, making healthy choices
- Assist in transition to middle school, high school, and post secondary options
- Interpret tests, student data and other assessments and appropriately discuss results with students and parents in a counseling environment
- Provide information and skills to parents, school staff, administration, and the community to assist them in helping students in academic, career, and social development
- Take a leadership role in working counseling content into the curriculum, staff development, and parent education programs
- Assist parents in addressing school related problems; refer parents to outside agencies and specialists when necessary
- Inform parents and students of test results and their implications for educational and career planning
- Advocate for equal access to programs and services for all students
- Plan and coordinate programs such as career and college fairs, scholarship programs, and other extensions of the counseling curriculum
- Coordinate parent education programs to assist students in making smooth transitions from, middle to high school, and planning post secondary options

- Coordinate School wide testing program *(i.e.,* STAR and CAHSEE)
- Coordinate graduations and promotional
- Work collaboratively with school staff, students, parents, and community partners and responsible for communicating regularly with parents.
- All staff must meet and maintain the behavior established in the charter school's Code of Ethics.
- Other duties, as assigned.

Knowledge and Skills:
- Experience implementing comprehensive counseling programs including academic and career preparation, interpersonal skills, and crisis management
- Capacity to support a school, which mobilizes the effort of students to achieve the mission of all students achieving at high levels.
- Knowledge of effective practices that motivates students to adhere to high standards of conduct.
- Knowledge of urban children and their families, especially of those from the dominant cultural groups represented in the school's student population.
- Capacity to analyze data on student learning to identify needs for improvement in instruction.
- Skill in oral and written communications.
- Capacity to work as an effective team member.

Administrative Assistant

Reports to: Chief Executive Officer

Qualifications: Bachelor's degree (B. A.) from four-year college/ university; or three to five years' related experience and/or training; or equivalent combination of education and experience.

Responsibilities:
- Schedules appointments, gives information to callers, takes dictation, and otherwise relieves officials of clerical work and minor administrative and business details
- Prepares and communicates reports.
- Reads and routes incoming mail. Locates and attaches appropriate file to correspondence to be answered by employer.
- Composes and types routine correspondence.
- Organizes and maintains file system, and files correspondence and other records.
- Answers and screens manager's telephone calls, and arranges conference calls.
- Coordinates manager's schedule and makes appointments.
- Greets scheduled visitors and conducts to appropriate area or person.
- Arranges and coordinates travel schedules and reservations.
- Conducts research, and compiles and types statistical reports.
- Coordinates and arranges meetings, prepares agendas, reserves and prepares facilities, and records and transcribes minutes of meetings.
- Makes copies of correspondence or other printed materials.
- Prepares outgoing mail and correspondence, including e-mail and faxes.
- Orders and maintains supplies, and arranges for equipment maintenance.

Knowledge and Skills:
- Ability to read, analyze and interpret general business periodicals, professional journals, technical procedures, or governmental regulations.
- Additionally the ability to write reports, business correspondence, and procedure manuals.

- The verbal skills to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.
- Will require the teacher to calculate figures and amounts such as discounts, interest, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.
- Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists.
- Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.
- Proficiency with MS-Word, Excel, PowerPoint, Access, Internet software, E-mail

Staff Assistants/Instructional Assistants
Reports to: Principal/ Assistant Principal

Qualifications: Minimum requirements:
High School Diploma, written and oral communications skills; ability to work with secondary students (both individually and in small groups); some proficiency with computer technology.

Responsibilities:
- Assist in the implementing and monitoring of learning experiences of each student and class as prepared by teachers.
- Work collaboratively with students, staff, parents, and community partners.
- Support the emotional and social growth of young children by assisting them in developing caring interaction skills.
- Learn and apply a variety of assessment mechanisms.
- Work with a flexible schedule.
- Infuse technology into instruction and assessment and participate in training needed to acquire the skills to carry out these functions.
- Perform other duties and responsibilities, as assigned by administration.

Health Services Coordinator
Reports to: Principal

Qualifications: Minimum requirements include a current California RN license,
Bachelors degree or equivalent experience
valid California Drivers License and use of an automobile.

Responsibilities:
- Provide nursing services to children
- Nursing services include, but not limited to, first aid, immunization assessment and follow-up, communicable disease control, health education, health appraisals, development of school health plans, and child abuse reporting

See Appendix E for MATTIE Academy organization chart.
See Appendix I for additional job descriptions

State that the charter school will conform to the legal requirement that all charter school teachers shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold;

All professional school employees will hold a California Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. Non certified teachers will not be employed

Assure that the school will maintain current copies of all teacher credentials and that they be readily available for inspection;

Current copies of all teacher credentials will be placed in a Teacher Credentials folder in the main office so that it can be easily accessed by parents, district officials, or the community. This information will be shared with parents during parent orientation and other parent meetings.

Identify the steps the school will take, if necessary, to minimize the use of teachers holding emergency permits.

The school does not expect to employ teachers without clear renewable credentials.

Element 6 – Health and Safety

"The procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in § 44237." Ed. Code § 47605 (b)(5)(F)

*LAUSD – Specific Language

The procedures, that the school will follow to ensure the health and safety of pupils and staff, shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in §44237. Ed. Code §47605 9b)(5)(F).

Insurance Requirements
No coverage shall be provided to the charter school by the District under any of the District's self-insured programs or commercial insurance policies. The charter school shall secure and maintain, as a minimum, insurance as set forth below with insurance companies acceptable to the District [A.M. Best A-, VII or better] to protect the charter school from claims which may arise from its operations. Each charter school location shall meet the below insurance requirements individually.

It shall be the Charter School's responsibility, not the District's, to monitor its vendors, contractors, partners or sponsors for compliance with the insurance requirements.

The following insurance policies are required:
1. Commercial General Liability, including Fire Legal Liability, coverage of $5,000,000 per Occurrence and in the Aggregate. The policy shall be endorsed to name the Los Angeles Unified School District and the Board of Education of the City of Los Angeles as named additional insured and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and the charter school's insurance primary despite any conflicting provisions in the charter school's policy. Coverage shall be maintained with no Self-Insured Retention above $15,000 without the prior written approval of the Office of Risk Management for the LAUSD.

2. Workers' Compensation Insurance in accordance with provisions of the California Labor Code adequate to protect the charter school from claims that may arise from its operations pursuant to the Workers' Compensation Act (Statutory Coverage). The Workers' Compensation Insurance coverage must also include Employers Liability coverage with limits of $1,000,000/$1,000/000/$1,000,000.

3. Commercial Auto Liability coverage with limits of $1,000,000 Combined Single Limit per Occurrence if the charter school does not operate a student bus service. If the charter school provides student bus services, the required coverage limit is $5,000,000 Combined Single Limit per Occurrence.

4. Fidelity Bond coverage shall be maintained by the Charter School to cover all charter school employees who handle, process or otherwise have responsibility for charter school funds, supplies, equipment or other assets. Minimum amount of coverage shall be $50,000 per occurrence, with no self-insured retention.

5. Professional Educators Errors and Omissions liability coverage with minimum limits of $3,000,000 per occurrence, and $3,000,000 per aggregate.

6. Sexual Molestation and Abuse coverage with minimum limits of $3,000,000 per occurrence and $3,000,000 general aggregate. Coverage may be held as a separate policy or included by endorsement in the Commercial General Liability or the Errors and Omissions Policy.

7. Employment Practices Legal Liability coverage with limits of $3,000,000 per occurrence and $3,000,000 general aggregate.

8. Excess/umbrella insurance with limits of not less than $10,000,000 is required of all high schools and any other school that participates in competitive interscholastic or intramural sports programs.

*Coverage and limits of insurance may be accomplished through individual primary policies or through a combination of primary and excess policies. The policy shall be endorsed to name the Los Angeles Unified School District and the Board of Education of the City of Los Angeles as named additional insured and shall provide specifically that any insurance carried by the District which may be applicable to any claims or loss shall be deemed excess and the charter school's insurance primary despite any conflicting provisions in the charter school's policy.

Evidence of Insurance
The Charter School shall furnish to the District's Office of Risk Management and Insurance Services located at 333 S. Beaudry Ave, 28th Floor, Los Angeles CA 90017 within 30 days of all new policies inceptions, renewals or changes, certificates or such insurance signed by authorized representatives of the insurance carrier. Certificates shall be endorsed as follows: *"The insurance afforded by this policy shall not be suspended, cancelled, reduced in coverage or limits or non-renewed except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the District."*

Facsimile or reproduced signatures may be acceptable upon review by the Office of Risk Management and Insurance Services. However, the District reserves the right to require certified copies of any required insurance policies.

Should the charter school deem it prudent and/or desirable to have insurance coverage for damage or theft to school, employee or student property, for student accident, or any other type of insurance coverage not listed above, such insurance shall not be provided by the District and its purchase shall be the responsibility of the Charter School.

Additionally, the charter will at all times maintain a funds balance (reserve) of its expenditures as required by section 15543, Title 5 of the California Code of Regulations.

Hold Harmless/Indemnification Provision
To the fullest extent permitted by law, the MATTIE Academy of Change charter school does hereby agree, at its own expense, to indemnify, defend and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives, employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorney's fees, brought by any person or entity whatsoever, arising out of, or relating to this charter agreement. The Charter School further agrees to the fullest extent permitted by law, at its own expense, to indemnify, defend, and hold harmless the LAUSD and the Board of Education and their members, officers, directors, agents, representatives,

employees and volunteers from and against any and all claims, damages, losses and expenses including but not limited to attorney's fees, brought by any person or entity whatsoever for claims, damages, losses and expenses arising from or relating to acts or omission of acts committed by the Charter School, and their officers, directors, employees or volunteers. Moreover, the Charter School agrees to indemnify and hold harmless the District for any contractual liability resulting from third party contracts with its vendors, contractors, partners or sponsors.

The MATTIE Academy will have a Health, Safety and Emergency Plan in place prior to beginning the operation of the school. The MATTIE Academy will ensure that staff has been trained in health, safety, and emergency procedures and will maintain a calendar and conduct emergency response drills for students and staff.

The MATTIE Academy, its employees and officers will comply with the Family Educational Rights and Privacy Act (FERPA) at all times.

Charter School shall require all employees of the Charter School, and all volunteers who will be performing services that are not under the direct supervision of a Charter School employee, and any onsite vendors having unsupervised contact with students to submit to criminal background checks and fingerprinting. The Charter School will maintain on file and available for inspection evidence that the Charter School has performed criminal background checks for all employees and documentation that vendors have conducted required criminal background checks for their employees prior to any unsupervised contact with students.

Asbestos Management:
The charter school shall occupy facilities that comply with the Asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

Health and Safety
Prior to commencing instruction, The MATTIE ACADEMY Charter School will adopt and implement a comprehensive health, safety, and risk management policy. These policies will be developed in consultation with the school's insurance carriers and at a minimum include the following:

- Policies and procedures providing for school-wide training in response to natural disasters and other emergencies, including civil unrest, fires and earthquakes.
- Training for staff and students relative to preventing contact with blood-borne pathogens.
- Requiring that instructional and administrative staff receive training in emergency response, including "first responder" training or its equivalent.
- Identification of specific staff who will be trained in the administration of prescription drugs and other medicines and adhere to the Ed Code 49423.
- A policy that the school will be housed in facilities that have received state Fire Marshal approval and that have been evaluated by a qualified structural engineer who has determined that the facilities present no substantial seismic safety hazard.
- A policy establishing that the school functions as a drug, alcohol, and tobacco free workplace.
- A policy for requiring immunization of the students as a condition of attendance. MATTIE will employ a Health Coordinator who will ensure compliance, screening, immunization and maintaining health records and other State mandated health issues.

Provide, if known, the address of the facilities to be used by the charter school;
1254 E. Helmick Ave, Carson, CA, 1000 East Victoria , Carson, Ca.90747

Through MATTIE's research, planning, and development process, we've identified Curtiss Middle School as a potential facility to operate our school. Curtiss MS located in Carson is a 1600 seat capacity campus. The campus is shared with Magnolia Science Academy. Curtiss current enrollment is approximately 780 students and Magnolia Science Academy current enrollment is approximately 250 students.

This campus can accommodate MATTIE's proposed enrollment of 525 students. This campus is ideal not only for accommodation purposes, but MATTIE's presence gives the community an additional education option. As indicated in our petition, the parents in the immediate community support MATTIE's education plan and have expressed a strong interest in having our school operate in their community.

California State University Dominguez Hills (CSUDH) is a MATTIE partner and plans to support our efforts. MATTIE CEO and Associate Vice President of CSUDH are currently working on plans to allow MATTIE to operate on the campus . Per the CSUDH agreement grades 9-12 will be provide opportunity to take college courses on campus for credit. We plan to use vacant classrooms to accommodate MATTIE high school students and staff.

Assure that the schools' facilities will comply with state building codes, federal Americans with Disabilities Act (ADA) access requirements, and other applicable fire, health and structural safety requirements, and will maintain on file readily accessible records documenting such compliance;
The school facility will comply with state building codes, federal Americans with Disabilities Act (ADA) access requirements, and other applicable fire, health and structural safety requirements, and will maintain on file readily accessible records documenting such compliance.

Assure that a that a site will be secured with an appropriate Certificate of Occupancy 45 days prior to the opening of school;
Once the facility is secured, a Certificate of Occupancy will be obtained and submitted to the district prior to 45 days of the school's opening.

Assure that a school safety plan will be developed and kept on file for review, and that school staff will be trained annually on the safety procedures outlined in the plan. (If the school safety plan has already been developed, please include it as an attachment to the petition.)
A school safety plan will be developed and submitted for approval prior to the school's opening. The plan will be specific to the site and involve staff input. Copies will be available in the school office and will be reviewed periodically with staff.

Element 7 – Racial and Ethnic Balance

"The means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted." Ed. Code § 47605 (b)(5)(G)

*LAUSD – Specific Language

Court-ordered Integration*
The Charter School shall comply with all requirements of the Crawford v. Board of Education, City of Los Angeles court order and the LAUSD Integration Policy adopted and maintained pursuant to the Crawford court order, by the Office of Student Integration Services (collectively the "Court-ordered Integration Program"). The Court-ordered Integration Program applies to all schools within or chartered through LAUSD. The School will provide a written plan in the charter petition and upon further request by the District outlining how it would achieve and maintain the LAUSD's ethnic goal of 70:30 or 30:70 ratio.

The District receives neither average daily attendance allocations nor Court-ordered Integration Program cost reimbursements for charter school students. Instead, the District now receives the Targeted Instruction Improvement Grant (TIIG) for its Court-ordered Integration Program. The District retains sole discretion over the allocation of TIIG funding, where available, and cannot guarantee the availability of this Funding.

No Child Left Behind-Public School Choice (NCLB-PSC) Traveling Students*
The District and MATTIE Academy of Change are committed to providing all students with quality educational alternatives in compliance with all federal and state laws, including students who are enrolled in schools of the District identified by the California Department of Education as in need of Program Improvement.

Public School Choice ("NCLB-PSC") placement with charter schools is an alternative strongly encouraged by the No Child Left Behind Act of 2001("NCLB"). The MATTIE Academy agrees to discuss with the District the possibility of accepting for enrollment District students participating in the District's NCLB-PSC program. The parties agree to separately memorialize any agreed-to number of NCLB-PSC placements of District students at the school. As required under NCLB, all NCLB-PSC students attending MATTIE Academy shall have the right to continue attending MATTIE Academy until the highest grade level of the charter. However, the obligation of the District to provide transportation for a NCLB-PSC student to MATTIE Academy shall end in the event the NCLB-PSC student's resident District school exits Program Improvement status.

MATTIE Academy will ensure that all of its NCLB-PSC students are treated in the same manner as other students attending the school. NCLB-PSC students are and will be eligible for all applicable instructional and extracurricular activities at the school. MATTIE Academy will make reasonable efforts to invite and encourage the participation of the parents of NCLB-PSC students in the activities and meetings at the school.

Determination of student eligibility for this NCLB-PSC option, including the grade level of eligibility, will be made solely by the District, based on the District's PSC process, guidelines, policies and the requirements of NCLB. In the event demand for places at MATTIE Academy under the NCLB-PSC program increases in subsequent years, MATTIE Academy agrees to

discuss with the District the possibility of increasing the number of NCLB-PSC places available at the school.

Federal Compliance*

To the extent that MATTIE Academy is a recipient of federal funds, including federal Title I, Part A funds, MATTIE Academy has agreed to meet all of the programmatic, fiscal and other regulatory requirements of the No Child Left Behind Act and other applicable federal grant programs. MATTIE Academy agrees that it will keep and make available to the District any documentation necessary to demonstrate compliance with the requirements of the No Child Left Behind Act and other applicable federal programs, including, but not limited to, documentation related to required parental notifications, appropriate credentialing of teaching and paraprofessional staff, the implementation of Public School Choice and Supplemental Educational Services, where applicable, or any other mandated federal program requirement. The mandated requirements of NCLB, Title I, Part A include, but are not the limited to, the following:

- Notify parents at the beginning of each school year of their "right to know" the professional qualifications of their child's classroom teacher including a timely notice to each individual parent that the parent's child has been assigned, or taught for four or more consecutive weeks by, a teacher who is not highly qualified.
- Develop jointly with, and distribute to, parents of participating children, a school parent compact.
- Hold an annual Title I meeting for parents of participating Title I students.
- Develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy.
- Submit biannual Consolidated Application to California Department of Education (CDE) requesting federal funds
- Complete and submit Local Education Agency (LEA) Plan to CDE
- Complete reform planning process with stakeholders and submit to CDE all appropriate documents for Title I school-wide status, if applicable; otherwise, identify and maintain roster of eligible students for the Title I Targeted Assistance School Program
- Maintain inventory of equipment purchased with categorical funds, where applicable
- Maintain appropriate time-reporting documentation, including semi-annual certification and personnel activity report, for staff funded with categorical resources, where applicable

MATTIE Academy also understands that as part of its oversight of the school, the Charter School Office may conduct program review of federal and state compliance issues.

What methods the school will use to advertise and recruit students (flyers, newspaper advertisements, informational fairs, etc.)

The target student population is located in attendance areas of low academic performance, which is reflected in the API of the schools in that area.

MATTIE Academy will implement a student recruitment program that includes, but is not necessarily limited to, the following elements or strategies to ensure a racial and ethnic balance among students that is reflective of the district:

- An enrollment process that is scheduled and adopted to include a timeline that allows for a broad-based recruiting and application process.
- The development of promotional and informational material, in English and other languages, appealing to the various racial and ethnic groups in the target area.

- Holding public forums in churches, community halls, civic buildings, social clubs, and augmenting these forums with press releases and media ads
- The distribution of promotional and informational materials to a broad variety of community groups and agencies that serve the various racial, ethnic, and interest groups represented in the district.
- Outreach meetings in several areas of the district to reach prospective students and parents.
- Referrals from area elementary, middle and high schools
- Referrals from the district.

What geographic areas will be targeted in outreach efforts;
Based on demographics for the City of Carson, CA alone, we know that MATTIE teaching professionals will be addressing a portion of the educational needs of a community that is composed of an elementary school population (grades 1-8) that feeds into Phineas Banning and Carson High Schools; or approximately 12,491 43.7 eligible students and a high school (grades 9-12) population of 6,209 21.7 (Figures courtesy of *Statistics from the 2000 US Census Data Database)*.

MATTIE Academy will actively recruit a diverse student population from the L.A. Unified School District and surrounding areas and will cultivate parents who understand and value the school's mission and are committed to the school's instructional and operational philosophy. Prospective students and their parents or guardians will be briefed regarding the school's instructional and operational philosophy and will be informed of the school's student-related policies. The school will establish an annual recruiting and admissions cycle, which shall include reasonable time for all of the following: (1) outreach and marketing, (2) orientation sessions for parents and students, (3) an admissions application period, (4) an admissions lottery, if necessary, and (5) enrollment. The school may fill vacancies or openings that become available after this process, using either a waiting list or any other non-discriminatory process.

What languages will be used to do outreach;
English and Spanish will be used to do outreach.

How these outreach efforts will attain a racial and ethnic balance at the charter school that is reflective of the District;
To create a school community that reflects the diversity of the district, the school will recruit students from a significantly wide range of ethnic, linguistic and racial populations.

Recruitment strategies will include:

- The design and distribution of outreach and informational materials to appeal to the various racial and ethnic groups within the district;
- The development of outreach materials in other languages to reach parents who are not English speakers;
- Outreach to community groups, agencies, and other organizations that have direct contact with the racial and ethnic communities in the district;
- Outreach meetings in several areas of the district to reach prospective students and parents;
- Establishment of internal and external feedback processes to ensure maximum impact and accessibility of the school's commitment to diversity.
- The employment of variety of outreach strategies, including written materials, community presentations, mailings, and press releases and public service announcements for broadcast media, to reach families who rely on varying sources for their information;
- An enrollment timeline that allows for a broad based recruiting and application process, and that is aligned with the diverse needs and composition of the prospective population.

- The school will, on a quarterly basis, provide the district with information and records summarizing the outreach efforts that have been undertaken in the immediately preceding quarter.

Element 8 – Admission Requirements

"Admission Requirements, if applicable." Ed. Code § 47605 (b)(5)(H)

*LAUSD – Specific Language

McKinney-Vento Homeless Assistance Act*
The Charter School will adhere to the provisions of the McKinney-Vento Homeless Assistance Act and ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youths.

MATTIE Academy charter school will admit all pupils who wish to attend as outlined in Education Code § 47605 (d)(2)(A);

Because the school will be a public school committed to equal opportunity, the school will be non-sectarian and employ no admissions exams or special admissions requirements. Admission to shall be open to all district residents on a non-discriminatory basis without regard to race, color, national origin, disability, creed, sex, ethnicity, behavior, age, ancestry, and proficiency in English language.

Describe any specific admissions requirements of the proposed school, and provide an assurance that they are consistent with non-discrimination statutes.

Other than residence in the district, the school will have no specific admissions requirements. The school will adhere to non-discrimination statues. Specifically, pupils will be considered for admission without regard to ethnicity, race, disability, national origin or any other criterion identified at law as being applicable to charter schools. The school will strive to achieve, through its outreach practices, a racial and ethnic balance of students and staff, which reflects the entire school district, and the racial and ethnic balance at the neighboring District schools. The school clearly understands that federal and state law, as well as District policy, preclude race as a factor to be used in the enrollment/admissions process.

Describe the efforts the school will employ to recruit academically low-achieving and economically disadvantaged students;

We envision a community that is extremely involved with educators at grades 6-12 level. We plan to collaborate with educators, clergy, politicians and parents who are deeply concerned that underprivileged and under-served youth, predominately African –American males in our community will be prepared to face the realities of the workplace in the 21st century. These community leaders and parents are committed to providing appropriate learning and developmental opportunities that will help these youth realize their potential.

The MATTIE team's objectives/goals are designed to collaborate with the Carson Community to act as a catalyst for change that addresses vital aspects of community life that have the potential to dramatically influence long and short –term outcomes. The community believes that helping others raises the standard of living of the community, therefore making a healthier environment in which to live, work, play, and develop. The goal is aimed at supplementing the efforts of the Los Angeles Unified School District to respond to the academic, social, emotional and cultural needs of a select group of low socio-economic and educationally disadvantaged students grades 6-12 whose performance on the California Content Standards and Achievement tests show that they need special assistance to negotiate successfully through

middle and high school, attend college and assume productive positions in the workplace of the 21st century. We believe that an interactive school community partnership enhances student learning outcomes.

Describe the manner in which the school will implement a public random drawing in the event that applications for enrollment exceed school capacity.

a. The method the school will use to communicate to all interested parties the rules to be followed during the lottery process.
During the enrollment process, parents will be told orally and provided with a written statement regarding possible over enrollment and the process to be used to conduct a lottery and the procedures to establish a waiting list. A date/time for the lottery will be included. If a lottery is needed, affected parents will be contacted by telephone letting them know that the lottery will be held and that they may attend as an observer. They will be told that following the lottery, status letters will be sent out via U.S. mail

b. The method the school will use to verify lottery procedures are fairly executed.
The lottery will be conducted by the administration of the school including the principal, a teacher, and the administrative secretary. Other participants will include a member of the Charter School Board, a representative from the school system, and representatives from local community organizations and agencies. The procedure will be conducted in a public meeting that allows parental observation.

The lottery will follow a process whereby all students who apply for enrollment in excess of grade-level capacity will be recorded on individual slips of paper (name, grade, other siblings who apply and their grade levels). The lottery committee will select names from covered grade-level boxes that will then be recorded in order. Students who are selected up to the grade-level capacity will be sent a letter of acceptance and other students will be recorded on a waiting list.

Siblings of lottery-selected students will be automatically selected to ensure that the needs of families with children attending the school are met. Children of the school's founders will receive preference for attendance, a student whose parent or guardian is a member of the governing board of the charter or is a full-time teacher, professional, or other employee of the charter school.

c. The timelines under which the open enrollment period and lottery will occur.
<u>Enrollment Procedures (Initial Year)</u>
- Students will enroll following the charter approval and recruitment activities.
- If any grade level enrollment exceeds capacity, those in excess of grade level capacity will be chosen through a lottery
- A lottery will be held August 1
- Once selected by lottery, parents will have 1 week to accept enrollment
- Names selected through this lottery will be placed on a Waiting List and as slots become available, students will be contacted in the order they were selected (by grade level). This waiting list will be in effect through the end of the next school year.
- Students who did not enroll as described above (August 1 and beyond)
    - Once the lottery waiting list is exhausted, all other students will be accepted, as space allows.

<u>Enrollment Procedures (for Years 2-5)</u>
- Current Students (February 1 – February 28)
    - Letter sent to parents February 1, inviting them to confirm returning to the school
    - All who respond prior to March 1 will be accepted

    - All who do not respond will be treated as New Students, described below
- New Students (March 1 – March 25)
    - Staff will analyze the number of grade level openings
    - If any grade level enrollment exceeds capacity, all New Students will be chosen through a lottery
    - A lottery will be held the last school day in March
    - Once selected by lottery, parents will have 1 week to accept enrollment
    - Names selected through this lottery will be placed on a Waiting List and as slots become available, students will be contacted in the order they were selected (by grade level). This waiting list will be in effect through the end of the next school year.
- Students who did not enroll as described above (August 1 and beyond)
    - Once the lottery waiting list is exhausted, all other students will be accepted, as space allows.

d. The location where the lottery will occur and the efforts the school will undertake to ensure all interested parties may observe the lottery.
The lottery will be held in the school at approximately 7:30 pm, so that working parents may attend.

e. The date and time the lotteries will occur so most interested parties will be able to attend.
The lottery will be held annually, as needed, at 7:30 pm on August 1 (if August 1 is during a weekend, it will be held the next business day).

f. The preferences to be granted, if any, to potential students and the basis upon which those preferences shall be granted.
The following students will be exempt from the lottery: (1) Current students enrolled in the school, (2) siblings, including foster siblings of children enrolled in the school, (3) children of teachers, and (4) children of founders. Students exempted from the lottery under items (3) and (4) together will not to exceed 10% of the student population.

Weighted preference will be given to (1) pupils that reside within the LAUSD attendance area with a weight of 2x and (2) students for whom special consideration is required to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 404 of the Rehabilitation Act of 1973, or the Equal Protection Clause of the United Stated Constitution, with a weight of 2x. ,

All other categories of students will participate in the lottery with no weighted preference.

g. The procedures the school will follow to determine waiting list priorities based upon lottery results.
The lottery will determine a grade-level specific waiting list. As grade-level openings occur, students will be invited to enroll. The waiting list will be in effect for the current school year and will be re-established, as needed, the following year. Siblings of selected students will be accommodated, to the extent possible.

h. The means by which the school will contact the parents/guardians of students who have been promoted off the waiting list and timelines under which parents/guardians must respond in order to secure admission.
Parents/guardians of waiting list selected students will be contacted in writing and given one week to accept enrollment. After that time, the next student will be selected and invited to attend.

i. The records the school shall keep on file documenting the fair execution of lottery procedures.

Following each lottery, a summary of the proceedings will be filed in the school office. Including will be the date/time the lottery was held, a list of all students who participated in the lottery, the names of participants who oversaw the proceedings, sign-in sheets for all parents who attended, and a finalized list of students selected in the lottery, including the waiting list in order of selection. Grade levels of students will be noted.

Note: Notwithstanding the foregoing, the school may refine lottery policies and procedures following the first year of operations in accordance with a written policy adopted by the governing authority of the school. A copy of the revised policy, designed to improve the school's lottery efforts, shall be provided to the district within 45 calendar days of approval by the charter school's governing authority and prior to the enrollment period of the year in which the revised lottery policy will be implemented.

Element 9 – Financial Audits

"The manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority." Ed. Code § 47605 (b)(5)(I)

*LAUSD – Specific Language

District Oversight Costs*
The District may charge for the actual costs of supervisorial oversight of the Charter School not to exceed 1% of the charter school's revenue, or the District may charge for the actual costs of supervisorial oversight of the Charter School not to exceed 3% if the Charter School is able to obtain substantially rent free facilities from the District. Notwithstanding the foregoing, the District may charge the maximum supervisorial oversight fee allow under the law as it may change from time to time. The supervisorial oversight fee provided herein is separate and distinct from the charges arising under the charter school/facilities use agreements.

Balance Reserves*
Additionally, the Charter School will at all times maintain a funds balance (reserve) of its expenditures as required by section 15450, Title 5 of the California Code of Regulations.

Special Education Revenue Adjustment/Payment for Services*
In the event that the Charter School owes funds to the District for the provision of agreed upon or fee for service or special education services or as a result of the State's adjustment to allocation of special education revenues from the Charter School, the Charter School authorizes the District to deduct any and all of the in lieu property taxes that the Charter School otherwise would be eligible to receive under section 47635 of the Education Code to cover such owed amounts. The Charter School further understands and agrees that the District shall make appropriate deductions from the in lieu property tax amounts otherwise owed to the Charter School. Should this revenue stream be insufficient in any fiscal year to cover any such costs, the Charter School agrees that it will reimburse the District for the additional costs within forty-five (45) business days of being notified of the amounts owed.

Audit and Inspection of Records*
Charter School agrees to observe and abide by the following terms and conditions as a requirement for receiving and maintaining their charter authorization:

- Charter School is subject to District oversight.
- The District's statutory oversight responsibility continues throughout the life of the Charter and requires that it, among other things, monitors the fiscal condition of the Charter School.
- The District is authorized to revoke this Charter for, among other reasons, the failure of the Charter School to meet generally accepted accounting principles or if it engages in fiscal mismanagement.

Accordingly, the District hereby reserves the right, pursuant to its oversight responsibility, to audit Charter School books, records, data, processes and procedures through the District Office

of the Inspector General or other means. The audit may include, but is not limited to, the following areas:

- Compliance with terms and conditions prescribed in the Charter agreement,
- Internal controls, both financial and operational in nature,
- The accuracy, recording and/or reporting of school financial information,
- The school's debt structure,
- Governance policies, procedures and history,
- The recording and reporting of attendance data,
- The school's enrollment process,
- Compliance with safety plans and procedures, and
- Compliance with applicable grant requirements

The Charter School shall cooperate fully with such audits and shall make available any and all records necessary for the performance of the audit upon 30 days notice to Charter School. When 30 days notice may defeat the purpose of the audit, the District may conduct the audit upon 24 hours notice.

The MATTIE Academy will develop and maintain internal fiscal control policies governing all financial activities.

The MATTIE Academy has partnered with EdFutures (Business Management Services) whose team will provide the services to develop and maintain internal fiscal control policies governing all financial activities.

Ensure that annual, independent financial audits employing generally accepted accounting principals will be conducted.
An annual independent fiscal audit of the books and records of the school will be conducted as required under charter schools Act, section 47605(b)(5)(I) and 47605(m). The school's books and records will be kept in accordance with generally accepted accounting principals, and as required by applicable law, the audit will employ generally accepted accounting procedures. The audit shall be conducted in accordance with applicable provisions within the California Code of Regulations governing audits of charter schools as published in the State Controllers Guide.

Describe the manner in which audit exceptions and deficiencies will be resolved.
The annual audit will be completed within four months of the close of the fiscal year and that a copy of the auditor's findings will be forward to the district, the County of Superintendent of Schools, the State Controller, and to California Department of Education by the 15th of December of each year. The CEO, Principal, along with the audit committee, will review any audit exceptions or deficiencies, if any, and report to the Charter School Board with recommendations of how to resolve them. The Charter School Board will submit a report to the district describing how the exceptions and deficiencies have been or will be resolve to the satisfaction of the district along with an anticipated timeline for the same.

Describe the plans and systems to be used to provide information for an independent audit.
The independent fiscal audit is a public record and will be provided to the public upon request.

Element 10 – Suspensions and Expulsions

"The procedures by which pupils can be suspended or expelled." Ed. Code § 47605 (b)(5)(J)

Charter School shall provide due process for all students, including adequate notice to parents/guardians and students regarding the grounds for suspension and expulsion and their due process rights regarding suspension and expulsion, including rights to appeal.

Charter School shall ensure that its policies and procedures regarding suspension and expulsion will be periodically reviewed, and modified as necessary, including, for example, any modification of the lists of offenses for which students are subject to suspension or expulsion.

Charter School shall ensure the appropriate interim placement of students during and pending the completion of the Charter School's student expulsion process. If the student receives or is eligible for special education, the Charter School shall identify and provide special education programs and services at the appropriate interim educational placement, pending the completion of the expulsion process, to be coordinated with the LAUSD Support Unit, Division of Special Education.

Charter School shall utilize alternatives to suspension and expulsion with students who are truant, tardy, or otherwise absent from compulsory school activities

MATTIE ACADEMY will develop and maintain a comprehensive set of student discipline policies. These policies will be distributed as part of the school's student handbook and will clearly describe the school's expectations regarding attendance, mutual respect, substance abuse, violence, safety, and work habits. Each student and his or her parent or guardian will be required to verify that they have reviewed and understand the policies prior to enrollment.

The charter school will use the following definitions:

> Suspension: Dismissed from attendance at school for any reason not more than ten (10) consecutive days. Multiple suspensions shall not run consecutively nor shall multiple suspensions be applied to avoid expulsion from school.
>
> Expulsion: Removal from attendance for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance. Multiple suspensions that occur consecutively shall constitute expulsion.

Pupils who are expelled from the charter school shall be given a rehabilitation plan upon expulsion as developed by the charter school's governing board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the charter school for readmission. The decision to readmit a pupil or to admit a previously expelled pupil from another school district or charter school shall be in the sole discretion of the charter school's board and the pupil and guardian or representative, to determine whether the pupil has successfully completed the rehabilitation plan and to determine whether the pupil poses a threat to others or will be disruptive to the school environment. The pupil's readmission is also contingent upon the capacity of the charter school at the time the pupil seeks readmission.

Special Education Discipline Language for Charter Petitions
In the case of a special education student, or a student who receives 504 accommodations, the MATTIE Academy will ensure that it makes the necessary adjustments to comply with the mandates of State and federal laws, including the IDEA and Section 504 of the Rehabilitation Plan of 1973, regarding the discipline of students with disabilities. Prior to recommending expulsion for a Section 504 student or special education student, the MATTIE Academy administrator will convene a review committee to determine whether the student's misconduct was a manifestation of his or her disability; whether the student was appropriately placed and receiving the appropriate services at the time of the misconduct; and/or whether behavior intervention strategies were in effect and consistent with the student's IEP or 504 Plan. If it is determined that the student's misconduct was not a manifestation of his or her disability, that the student was appropriately placed and was receiving appropriate services at the time of the misconduct, and that the behavior intervention strategies were in effect and consistent with the students IEP, the student may be expelled.

Consequences for Misconduct
Attendance at MATTIE is voluntary, therefore in order to maintain our school's environment of excellence in education, we will maintain high expectations regarding Attendance, Behavior and Conduct. Students are expected to cooperate with school rules and policies.

MATTIE's guidelines for student intervention are:

- 1st referral results in student being conferenced and redirected by teacher.
- 2nd referral results in a verbal warning and parent/guardian is notified.
- 3rd referral results in a mandatory parent conference with teacher.
- 4th referral results in a mandatory parent conference with teacher and administrator.
- Continued disruptive behavior may result in student being recommended for suspension or expulsion (see below for due process rights)

Suspensions
The MATTIE Academy **On Campus Suspension Program** (OCS) will be used in lieu of our students being suspended entirely from class and instruction. This will provide students with the opportunity to attend school and complete class work while they are being disciplined. The administrator will determine which students qualify for this alternative disciplinary program based on the nature of the incident and the policy violated.

In addition to regular assignments, On Campus Suspended students will receive instruction in conflict resolution, anger management, and group counseling.

Instructional packets will be assembled by the primary teacher based on subject and grade level. Packets will include work that covers the number of days suspended. On Campus Suspended students will have nutrition from 9:00 – 9:15 a.m., and lunch from 12:05 p.m. – 12:35 p.m.

*Teachers may suspend a student from class for one (1) day only.

Students who have violated the discipline policy and require multiple day suspensions will be sent to another site as an alternative to home suspension. Zero tolerance violations will be referred to expulsion committee for review.

Prior to suspending a student, if circumstances permit, the student and his/her parents shall be given a written statement of the reasons for suspension. The student and his/her parents shall also be given an opportunity to meet with the school Principal to present any evidence as to why a suspension should not be imposed. If circumstances require an immediate suspension, written notice and an opportunity to meet shall be provided to the student and his/her parents within three days of the suspension.

Suspension Appeal Procedures
If a student is to be suspended for more than five consecutive days to twenty total days within the year, the following procedures apply.

- The student must be given written notice of the proposed long-term suspension and of the reasons therefore.
- If the student or his/her parents contest the proposed disciplinary action, a hearing shall be held before the Board of Directors to determine whether cause exists for the disciplinary action.
- The student shall have the right to be represented by counsel at the hearing before the Board of Directors, to present evidence on his/her own behalf, and to confront and cross examine adverse witnesses.
- The written notice to the student of the proposed disciplinary action must advise the student of the above-listed rights, and must specify the date, time and place of the disciplinary hearing.
- The disciplinary hearing shall be held within thirty days from the date the student was originally suspended.
- The decision of the Board of Directors shall be final.

In case where the student is recommended for expulsion after suspension, the student will remain suspension status until the expulsion hearing and will participate in a home study or other alternative program

Reasons for Suspension and Expulsion

Category III
Students may be recommended for suspension and/or expulsion when any of the following occur at any time, including, but not limited to, while on school grounds; while going to or coming from school; during the lunch period, whether on or off the campus, or during, or while going to or coming from, a school-sponsored activity:

- Caused, attempted to cause, or threatened to cause physical injury to another person
- Willfully used force or violence upon the person of another.
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Director or the designee of the Director.
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage, or intoxicant or otherwise furnished to any person another liquid, substance, or material represented as a controlled substance, alcoholic beverage, or intoxicant.
- Committed or attempted to commit robbery or extortion.

- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco, or any products containing tobacco or nicotine products including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. .
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia as defined in Section 1104.5 of the Health and Safety Code
- Disrupted school activities or otherwise willfully defied the valid authority of school personnel engaged in the performance of their duties.
- Knowingly received stolen school property or private property.
- Possessed an imitation firearm.
- Committed or attempted to commit a sexual assault or committed a sexual battery.
- Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- Unlawfully offered, arranged to sell, negotiated to sell, or the selling of prescription drug.
- Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- Aided or abetted the infliction or attempted infliction of physical injury to another person (suspension only).

48900.2 Committed sexual harassment (grades 6-12)

48900.3 Caused, attempted to cause, threatened to cause, or participated in the act of hate violence (grades 6-12)

48900.4 Engaged in harassment, threats, or intimidation directed against school district personnel or pupils (grades 6-12)

48900.7 Made terrorist threats against school officials, school property or both.

Category II
Students will be recommended for suspension and expulsion when any of the following occur at school or at a school activity off-campus; unless the school administrator determines that the expulsion is inappropriate:

- Causing serious physical injury to another person, except in self-defense.
- Possession of any knife or other dangerous object of no reasonable use to the pupil.
- Unlawful possession of any controlled substance, except for the first offense of less than an ounce of marijuana.
- Robbery or extortion.
- Assault or battery (as defined in Penal Code sections 240 and 242) upon any school employee.

Category I
It is a federal mandate that a school expel, for a period of not less than one year (except on a case-by-case basis), any student who is determined to have brought a firearm to school. In

addition, students will immediately be suspended and recommended for expulsion when any of the following occur at the school or at a school activity off campus:

- Possessing, selling, or furnishing a firearm.
- Brandishing a knife at another person.
- Unlawfully selling a controlled substance.
- Committing or attempting to commit a sexual assault or committing a sexual battery (as defined in Section 48900[n]).
- Possession of an explosive (as defined in section 921 of Title 18 of the U.S. Code).

Students will not be suspended or expelled for academic failure. Students will only be suspended or expelled for actions for which they could be suspended or expelled from LAUSD schools, as defined by Education Code Sections 48900 to 48926. Prior to any student discipline decision, the student will be afforded due process, including, but not limited to, the student's written or oral (which is to be transcribed to written) statement of the event(s). The student's parent or guardian will be notified in advance of enactment of the suspension or expulsion. Written notification will set forth the violation involved and the factual basis for suspension or expulsion.

If a student is expelled from the Charter School, the Charter School shall forward student records upon request of the receiving school district in a timely fashion. Charter School shall also submit an expulsion packet to the Innovation and Charter Schools Division immediately or as soon as practically possible, containing:

- ˜pupil's last known address
- ˜a copy of the cumulative record
- ˜transcript of grades or report card
- ˜health information
- ˜documentation of the expulsion proceeding, including specific facts supporting the expulsion
- ˜student's current educational placement
- ˜copy of parental notice expulsion
- ˜copy of documentation of expulsion provided to parent stating reason for expulsion, term of expulsion, rehabilitation plan, reinstatement notice with eligibility date and instructions for providing proof of student's compliance for reinstatement, appeal process and options for enrollment.
- ˜ if the Student is eligible for Special Education, the Charter School must provide documentation related to expulsion pursuant to IDEA including conducting a manifestation determination IEP prior to expulsion. If the student is eligible for Section 504 Accommodations, the Charter School must provide evidence that it convened a Link Determination meeting to address two questions: A) Was the misconduct caused by, or directly and substantially related to the students disability: B) Was the misconduct a direct result of the Charter's failure to implement 504 Plan?

MATTIE Academy understands the obligations with regard to discipline of students eligible for special education services and agrees to comply with all laws governing discipline of special education students. MATTIE Academy will provide immediate written notice to LAUSD of pending discipline of special education students.

Outcome Data
Charter School shall maintain all data involving placement, tracking, and monitoring of student suspensions, expulsions, and reinstatements, and make such outcome data readily available to the District upon request.

Rehabilitation Plans
Pupils who are expelled from the Charter School shall be given a rehabilitation plan upon expulsion as developed by the Charter School's Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan should include a date not later than one year from the date of expulsion when the pupil may reapply to the Charter School for readmission.

Readmission
The Charter School's Board shall adopt rules establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, the Charter School's Board shall readmit the pupil, unless the Charter School's Board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered. The charter school is responsible for reinstating the student upon the conclusion of the expulsion period.

Gun Free Schools Act
The Charter School shall comply with the federal Gun Free Schools Act.

STUDENT SUPPORT TEAM
The Student Support Team may consist of the following members:

Parent or guardian of student referred
The teacher of student referred
An Administrator
Counselor, psychologist, or specialist
Student (when appropriate)

This team will be responsible for the following actions:

Develop a "Support Plan"
Meet one month following first meeting to check progress of Support Plan
Make any necessary changes to Support Plan to ensure greater success
Document all meetings, discussions and progress of the student

A Support Plan may assist by developing the following:

Summary of demonstrated behaviors by student that necessitates this degree of support;
Summary of any actions already taken by teacher, parent, or other staff to address the needs of the student;
Description of new actions to be taken in order to address the specific situation;
One-page agreement to be agreed upon and signed by all concerned parties.

Some possible support actions are:

Daily, weekly, or monthly contract
Restriction from before or after school activities

Family and/or student counseling
Half day schedule
Journaling

Procedures for rehabilitation, readmission and interim placement.
Pupils who are expelled will be given a rehabilitation plan upon expulsion as developed by the Charter School Board at the time of the expulsion order, which may include, but is not limited to, periodic review as well as assessment at the time of review for readmission. The rehabilitation plan will include a date not later than one year from the date of expulsion when the pupil may reapply for readmission.

The decision to readmit a pupil or to admit a previously expelled pupil from the school or another school district will be at the sole discretion of Charter School Board and the pupil and parent or guardian or representative. Considerations will include whether the pupil has successfully completed the rehabilitation plan and a determination as to whether the pupil poses a threat to others or will be disruptive to the school environment. The pupil's readmission is also contingent upon the capacity of the school at the time the pupil seeks readmission.

General discipline policies in place at the school;
The bottom-line purpose if the suspension and expulsion procedures will be to ensure a safe and effective learning environment. Successful procedures will provide for due process, be specific and concrete, and be supported by the school community.

MATTIE Academy Discipline policy can be found in Appendix C.

Special Education Students
In the case of a student who has an IEP, or a student who has a 504 Plan, the Charter will ensure that it follows the correct disciplinary procedures to comply with the mandates of state and federal laws, including IDEA and Section 504 of the Rehabilitation Plan of 1973. As set forth in the MOU regarding special education between the District and the Charter School an IEP team, including a district representative, will meet to conduct a manifestation determination and to discuss alternative placement utilizing the District's Policies and Procedures Manual. Prior to recommending expulsion for a student with a 504 Plan, the charter administrator will convene a Link Determination meeting to ask the following two questions: A) Was the misconduct caused by, or directly and substantially related to the student's disability? B) Was the misconduct a direct result of the Charter's failure to implement 504?

Special Education Discipline
Before initiating any suspension, expulsion, or exclusion that will result in a change of placement for a child with a disability, the school shall convene a meeting of the Student Support Team. The Student Support Team will determine whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability or whether the conduct in question was the direct result of the school's failure to implement the IEP. If the school, the parent, and relevant members of the IEP Team determine that failing to implement the IEP caused the conduct, the conduct will be determined to be a manifestation of the student's disability and the school will take immediate steps to remedy those deficiencies. In this case, the Student Support Team will either:

- Conduct a functional behavioral assessment, unless the school had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or
- If a behavioral intervention plan already has been developed, review it and modify it, as necessary, to address the behavior; and

- Return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the behavior intervention plan.

If a parent disagrees with the manifestation determination decision made by the Student Support Team, the parent may appeal the decision by requesting an expedited due process hearing.

During such meetings, the team will consider all information relevant to the behavior subject to disciplinary action including evaluations and diagnostic results, observations of the child, and the child's individualized educational program and placement. The team will determine whether the behavior was a manifestation of the child's disability. If not a manifestation of the child's disability, the team will determine if the child's disability did not impair the ability of the child to understand the effect and consequences of the specified behavior, and whether the disability impaired the child's ability to control the specified behavior. The team will prepare a report of findings and conclusions. If suspended, expelled, or excluded the school will provide a free appropriate public education in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., on the 11th school day that a child is removed and during any subsequent school day in which the child is removed from school.

Should a pattern of discipline actions result in interruption of services, the team will meet to discuss the matter and if appropriate, provide services as described above. Whenever possible, parents will be asked to shadow their child at school rather than a suspension. Students need to be present to ensure that they receive the best possible education available.

If as a result of the team's deliberations, a change in placement is warranted due to disciplinary action, the parent shall be notified in writing of the team's findings and recommendations. That notification will be consistent with previously stated efforts to communicate effectively with the parent.

Element 11 – Retirement Programs

"The manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security." Ed. Code § 47605 (b)(5)(K)

Identify, based on the staffing initially proposed in the petition, which staff members will be covered by which retirement system.

MATTIE CEO will be responsible for ensuring that EDF (Business Management Services) efficiently manage MATTIE employee records and their contributions to the various retirement systems, federal, and social security programs.

MATTIE employees will participate in the State Teacher's Retirement System (STRS) and/or Public Employees Retirement System (PERS). Employees who elect to participate in STRS or PERS must remain in the chosen system during their employment, unless a two-thirds majority of the permanent teaching staff votes for an alternative retirement system. If the vote is not unanimous, the change will take place at the start of the subsequent fiscal year. Teaching staff will have access to other school-sponsored retirement plans according to the policies developed by the Charter School Board and adopted as employee policies. All other employees included those in PERS will contribute to Social Security and Medicare to the extent required by federal law. The school will work with the Los Angeles County Office of Education (LACOE) to forward, in a timely fashion, any required payroll deductions and related data. LACOE will be the only agency that will report the contributions to both STRS and PERS. MATTIE ACADEMY Charter School will either use LACOE's reporting system or a system compatible with LACOE.

The school will make also make contributions for worker's compensation insurance, unemployment insurance, and any other payroll obligations of an employer. Employees participating in STRS must participate in Social Security and Medicare, and the school will offer a health insurance program to its employees.

Element 12 – Attendance Alternatives

"The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools." Ed. Code § 47605 (b)(5)(L)

Element 12 Required Language

Pupils who choose not to attend MATTIE Academy may choose to attend other public schools in their district of residence or pursue an inter district-transfer in accordance with existing enrollment and transfer policies of the District.

Element 13 – Employee Rights

"A description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and of any rights of return to the school district after employment at a charter school." Ed. Code § 47605 (b)(5)(M)

*LAUSD – Specific Language

Leave and return rights for union-represented employees who accept employment with the charter school will be administered in accordance with applicable collective bargaining agreements between the employee's union and the District and also in accordance with any applicable judicial rulings.

Outline LAUSD employee rights consistent with current collective bargaining agreements relating to the terms and conditions under which District employees may be employed at charter schools.

The school will be non-sectarian in its programs, admission policies, employment practices, and all other operations. The school will not discriminate based on ethnicity, creed, gender, religion, or disability. Teachers and non-certified staff will employees of the school.

The school will hire on the basis of qualifications, promote on the basis of merit, and when an employee must be terminated, will terminate on the basis of performance, reorganization, downsizing, behavior, conduct, or any lawful reason and consistent with any applicable employment agreement or personnel polices.

The Charter School Board retains the authority to establish and to adjust teacher and other salaries and award stipends.

Element 14 – Dispute Resolution

"The procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter." Ed. Code § 47605 (b)(5)(N)

*LAUSD – Specific Language

The staff and governing board members of MATTIE Academy agree to resolve any claim, controversy or dispute arising out of or relating to the Charter agreement between the District and MATTIE Academy, except any controversy or claim that is in any way related to revocation of this Charter, ("Dispute") pursuant to the terms of this Element 14.

Any Dispute between the District and MATTIE Academy shall be resolved in accordance with the procedures set forth below:

(1) Any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that in any way related to revocation of this charter, must be put in writing ("Written Notification"). The Written Notification must identify the nature of the dispute and any supporting facts. The Written Notification may be tendered by personal delivery, by facsimile, or by certified mail. The Written Notification shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00 PM or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail. All written notices shall be addressed as follows:

To Charter School:	MATTIE Academy of Change
c/o School Director	
To Director of Charter Schools:	Director of Charter Schools Los Angeles Unified School District 333 South Beaudry Avenue, 20th Floor Los Angeles, California 90017

(2) A written response ("Written Response") shall be tendered to the other party within twenty (20) business days from the date of receipt of the Written Notification. The parties agree to schedule a conference to discuss the claim or controversy ("Issue Conference"). The Issue Conference shall take place within fifteen (15) business days from the date the Written Response is received by the other party. The Written Response may be tendered by personal delivery, by facsimile, or by certified mail. The Written Response shall be deemed received (a) if personally delivered, upon date of delivery to the address of the person to receive such notice if delivered by 5:00p.m., or otherwise on the business day following personal delivery; (b) if by facsimile, upon electronic confirmation of receipt; or (c) if by mail, two (2) business days after deposit in the U.S. Mail.

(3) If the Dispute cannot be resolved by mutual agreement at the Issue Conference, either party may then request that the Dispute be resolved by mediation. Each party shall bear its own attorney's fees, costs and expenses associated with the mediation. The mediator's fees and the administrative fees of the mediation shall be shared equally among the parties. Mediation proceedings shall commence within 120 days from the date of either party's request for mediation following the Issue Conference. The parties shall mutually agree upon the selection of a mediator to resolve the Dispute. The mediator may be selected from the approved list of

mediators prepared by the American Arbitration Association. Unless the parties mutually agree otherwise, mediation proceedings shall be administered in accordance with the commercial mediation procedures of the American Arbitration Association.

(4) If the mediation is not successful, then the parties agree to resolve the Dispute by binding arbitration conducted by a single arbitrator. Unless the parties mutually agree otherwise, arbitration proceedings shall be administered in accordance with the commercial arbitration rules of the American Arbitration Association. The arbitrator must be an active member of the State Bar of California or a retired judge of the state or federal judiciary of California. Each party shall bear its own attorney's fees, costs and expenses associated with the arbitration. The arbitrator's fees and the administrative fees of the arbitration shall be shared equally among the parties. However, any party who fails or refuses to submit to arbitration as set forth herein shall bear all attorney's fees, costs and expenses incurred by such other party in compelling arbitration of any controversy or claim.

Element 15 – Employer Status and Collective Bargaining

"A declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act (Chapter 10.7 (commencing with Section 3540) of division 4 of Title 1 of the Government Code)." Ed. Code § 47605 (b)(5)(O)

State clearly whether the school will be the exclusive employer for the purposes of collective bargaining.

The MATTIE Academy charter school will be the exclusive employer for all school employees for the purposes of the Educational Employee Relations Act (EERA).

Element 16 – Procedures to be Used if the Charter School Closes

"A description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records." Ed. Code § 47605 (b)(5)(P)

*LAUSD – Specific Language

Revocation

The District may revoke the charter of MATTIE Academy of Change if MATTIE Academy commits a breach of any terms of its charter. Further, the District may revoke the charter if MATTIE Academy commits a breach of any provision set forth in a policy related to charter schools adopted by the District Board of Education and/or any provisions set forth in the Charter School Act of 1992.

Furthermore, the District may revoke the charter of the MATTIE Academy of Change on any of the following grounds:

- MATTIE Academy of Change committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
- MATTIE Academy of Change failed to meet or pursue any of the pupil outcomes identified in the charter.
- MATTIE Academy of Change failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
- MATTIE Academy of Change violated any provisions of law.

Prior to revocation, and in accordance with California Education Code section 47607(d), the District will notify the MATTIE Academy in writing of the specific violation, and give the MATTIE Academy a reasonable opportunity to cure the violation, unless the District determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils. Notwithstanding the immediately preceding language, revocation proceedings are not subject to the dispute resolution clause set forth in this charter.

Charter Renewal

The Charter School must submit its renewal petition to the District's Charter Schools Division no earlier than September of the year before the charter expires.

Closure Procedures

The following are closing procedures that abide by California Education Code §47605(b)(5)(P), should the school close for any reason. The decision to close MATTIE Academy of Change either by the Charter School governing Board or by the LAUSD Board, will be documented in a Closure Action. The Closure Action shall be deemed to have been automatically made when any of the following occur: the charter is revoked or non renewed by the LAUSD Board of Education; the charter school board votes to close the school; or the charter lapses. In the event of such a Closure Action, the following steps are to be implemented:

1. Identification of a responsible person(s) – e.g., Director, Financial Officer, President of the Charter School's governing board, to oversee and conduct the closure process.

2. Written notification to parents/guardians/caregivers of the enrolled students of the MATTIE Academy of Change will be issued by MATTIE Academy of Change within 72 hours after the

determination of a Closure Action. A sample copy of the language used in the written notification is also to be made to LAUSD within the same time frame.

a. The written notification will also include information on assistance in transferring each student to another appropriate school, and a process for the transfer of all student records.

b. The process for transferring student records to the receiving schools shall be in accordance with LAUSD procedures for students moving from one school to another.

c. Parents will also be provided with student information that includes closure notice, grade reports, discipline records, immunization records, completed coursework and credits that meet graduation requirements and a transcript, and State testing results.

d. The charter school will prepare an electronic master list of all students to the Innovation and Charter Schools Division. This list will include the student's identification number, Statewide Student Identifier (SSID), birthdate, grade, full name, address, home school, enrollment date, exit code, exit date . If the Charter School closure occurs before the end of the school year, the list should also indicate the name of the school that each student is transferring to, if known.

e. The original cumulative files should be organized for District pick up in two categories: active students and inactive students. The ICSD will coordinate with the Charter School for the pickup of the student records.

f. The charter school must update all student records in the California Longitudinal Pupil Achievement Data System (CALPADS) prior to closing.

g. The Charter school will provide to the ICSD a copy of student attendance records, teacher grade books, school payroll records, and Title I records (if applicable)

3. Written notification to LAUSD of the list of returning students and their home schools, to be made within 72 hours of the determination of the Closure Action.

4. Transfer of student records to the receiving schools, within seven calendar days from the determination of an Action to Close.

5. Written notification to the California Department of Education and the Los Angeles County Office of Education and the Special Education Local Planning Area (SELPA) in which the Charter School participates, of the Closure Action shall be made by the MATTIE Academy by registered mail within 72 hours of the decision to Closure Action. Charter School shall provide a copy of these correspondences to the ICSD.

6. The MATTIE Academy of Change shall allow LAUSD access, inspection and copying of all school records, including financial and attendance records, upon written request by LAUSD.

7. A financial closeout audit of the school will be paid for by the MATTIE Academy of Chang to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets. The final independent audit shall be completed within six months after the closure of the school. This audit will be conducted by a neutral, independent licensed CPA who will employ generally accepted accounting principles. Any liability or debt incurred by MATTIE Academy will be the responsibility of the MATTIE Academy of Change and not LAUSD.

MATTIE Academy of Change understands and acknowledges that MATTIE Academy of Change will cover the outstanding debts or liabilities of Charter School. Any unused monies at the time of the audit will be returned to the appropriate funding source. MATTIE Academy of Change understands and acknowledges that only unrestricted funds will be used to pay creditors. Any unused AB 602 funds will be returned to the District SELPA, and other categorical funds will be returned to the source of funds.

8. For six calendar months from the Closure Action or until budget allows, whichever comes first, sufficient staff as deemed appropriate by the MATTIE Academy Board, will maintain employment to take care of all necessary tasks and procedures required for a smooth closing of the school and student transfers.

9. The MATTIE Academy of Change Board shall adopt a plan for wind-up of the school and, if necessary, the corporation, in accordance with the requirements of the Corporations Code.

10. In addition to a final audit, MATTIE Academy of Change will also submit any required year-end financial reports to the California Department of Education and LAUSD, in the form and time frame required.

11. If the charter school is a nonprofit corporation, the corporation does not have any other functions than operation of the charter school, the corporation will be dissolved according to its bylaws.

a. The corporation's bylaws will address how assets are to be distributed at the closure of the corporation.
b. A copy of the corporation's bylaws containing the information on how assets are to be distributed at the closure of the corporation, are to be provided to LAUSD prior to approval of this Petition.

12. The Charter School shall provide LAUSD within fourteen (14) calendar days of closure action prior written notice of any outstanding payments to staff and the method by which the school will make the payments.

13. The Charter School will within fourteen (14) calendar days of closure action contact the State Teachers Retirement System (STRS), Public Employees Retirement System (PERS), and the Los Angeles County office of Education and follow their procedures for dissolving contracts and reporting. Copy the LAUSD on all correspondence.

14. Prior to final closure, the Charter School shall do all of the following on behalf of the school's employees, and anything else required by applicable law:

a. File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines.
b. File the Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63).
c. Make final federal tax payments (employee taxes, etc.)
d. File the final withholding tax return (Treasury Form 165).
e. File the final return with the IRS (Form 990 and Schedule).

This Element 16 shall survive the revocation, expiration, termination, cancellation of this charter or any other act or event that would end MATTIE Academy of Change right to operate as a charter school or cause MATTIE Academy to cease operation. MATTIE Academy of Change and District agree that, due to the nature of the property and activities that are the subject of this

petition, the District and public shall suffer irreparable harm should charter school breach any obligation under this Element 16. The District, therefore, shall have the right to seek equitable relief to enforce any right arising under this Element 16 or any provision of this Element 16 or to prevent or cure any breach of any obligation undertaken, without in any way prejudicing any other legal remedy available to the District. Such legal relief shall include, without limitation, the seeking of a temporary or permanent injunction, retraining order, or order for specific performance, and may be sought in any appropriate court.

***Facilities**
Proposed Charter School Location Carson, CA
Proposed Charter School to be located within the boundaries of LAUSD

District-Owned Facilities: If Charter School is using LAUSD facilities as of the date of the submittal of this charter petition or takes occupancy of LAUSD facilities prior to the approval of this charter petition, Charter School shall execute an agreement provided by LAUSD for the use of the LAUSD facilities as a condition of the approval of the charter petition. If at any time after the approval of this charter petition Charter School will occupy and use any LAUSD facilities, Charter School shall execute an agreement provided by LAUSD for the use of LAUSD facilities prior to occupancy and commencing use. Charter School agrees that occupancy and use of LAUSD facilities shall be in compliance with applicable laws and LAUSD policies for the operation and maintenance of LAUSD facilities and furnishings and equipment.

The use agreements provided by LAUSD for LAUSD facilities shall contain terms and conditions addressing issues such as, but not limited to, the following:

- Use. Charter School will be restricted to using the LAUSD facilities for the operation of a public school providing educational instruction to public school students consistent with the terms of the charter petition and incidental related uses. LAUSD shall have the right to inspect LAUSD facilities upon reasonable notice to Charter School.
- Furnishings and Equipment. LAUSD shall retain ownership of any furnishings and equipment, including technology, ("F&E") that it provides to Charter School for use. Charter School, at its sole cost and expense, shall provide maintenance and other services for the good and safe operation of the F&E.
- Leasing; Licensing. Use of the LAUSD facilities by any person or entity other than Charter School shall be administered by LAUSD. The parties may agree to an alternative arrangement in the use agreement.
- Minimum Payments or Charges to be Paid to LAUSD Arising From the Facilities.
  (i) Pro Rata Share. LAUSD shall collect and Charter School shall pay a Pro Rata Share for facilities costs as provided in the Charter School Act of 1992 and its regulations. The parties may agree to an alternative arrangement regarding facilities costs in the use agreement; and
  (ii) Taxes; Assessments. Generally, Charter School shall pay any assessment or fee imposed upon or levied on the LAUSD facilities that it is occupying or Charter School's legal or equitable interest created by the use agreement.
- Maintenance & Operations Services. In the event LAUSD agrees to allow Charter School to perform any of the operation and maintenance services, LAUSD shall have the right to inspect the LAUSD facilities and the costs incurred in such inspection shall be paid by Charter School.
  (i) Co-Location. If Charter School is co-locating or sharing the LAUSD facilities with another user, LAUSD shall provide the operations and maintenance services

for the LAUSD facilities and Charter School shall pay the Pro Rata Share. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such in the use agreement.

(ii) Sole Occupant. If Charter School is a sole occupant of LAUSD facilities, LAUSD shall allow the Charter School, at its sole cost and expense, to provide some operations and maintenance services for the LAUSD facilities in accordance with applicable laws and LAUSD's policies on operations and maintenance services for facilities and F&E. NOTWITHSTANDING THE FOREGOING, LAUSD shall provide all services for regulatory inspections, which as the owner of the real property is required to submit, and deferred maintenance and Charter School shall pay LAUSD for the cost and expense of providing those services. The parties may agree to an alternative arrangement regarding performance of the operations and maintenance services and payment for such services in the use agreement.

- Real Property Insurance. Prior to occupancy, Charter School shall satisfy those requirements to participate in LAUSD's property insurance or, if Charter School is the sole occupant of LAUSD facilities, obtain and maintain separate property insurance for the LAUSD facilities. Charter School shall **not** have the option of obtaining and maintaining separate property insurance for the LAUSD facility IF Charter School is co-locating or sharing the LAUSD facility with another user.

Facility status: The charter petitioner must demonstrate control of a facility such as a commitment from the landlord, to ensure that the property is actually available to the charter developer, and that the facility is usable with or without conditions (such as a conditional code permit.) The charter school facility shall comply with all applicable building codes, standards and regulations adopted by the city and/or county agencies responsible for building and safety standards for the city in which the charter school is to be located, and the Americans with Disabilities Act (ADA). Applicable codes and ADA requirements shall also apply to the construction, reconstruction, alteration of or addition to the proposed charter school facility. The Charter School cannot exempt itself from applicable building and zoning codes, ordinances, and ADA requirements.

Occupancy of the Site: The charter petitioner or developer shall provide the District with a final Certificate of issued by the applicable permitting agency, allowing the petitioner to use and occupy the site. The Charter School may not open without providing a copy of the Certificate of Occupancy for the designated use of the facility. If the Charter School moves or expands to another facility during the term of this charter, the Charter School shall provide a Certificate of Occupancy to the District for each facility before the school is scheduled to open or operate in the facility or facilities. Notwithstanding any language to the contrary in this charter, the interpretation, application, and enforcement of this provision are not subject to the Dispute Resolution Process outlined in Element 14.

Health & Safety: The school will comply with the Healthy Schools Act, California Education Code Section 17608, which details pest management requirements for schools. Developers may find additional information at: www.laschools.org/employee/mo/ipm

Asbestos Management: The charter school will comply with the asbestos requirement as cited in the Asbestos Hazard Emergency Response Act (AHERA), 40CFR part 763. AHERA requires that any building leased or acquired that is to be used as a school or administrative building shall maintain an asbestos management plan.

Other Items

Description of the manner in which administrative services of the school are to be provided

MATTIE Academy believes that the quality of the professional staff is an important factor in determining the quality of education offered in the school. It is the responsibility of the school administration to locate and recruit the best-qualified candidates to meet the school's educational needs. MATTIE Academy will retain or employ teaching staff who hold appropriate California teaching certificates, permits, or other documents issued by the California Commission on Teacher Credentialing. These teachers will teach the “core” academic classes of mathematics, language arts, science, and history/social studies. These teachers will be responsible for overseeing the students’ academic progress and for monitoring grading and matriculation decisions as specified in the school’s operational policies.

Staff selection shall be based on strong academic preparation, professional competence, intellectual rigor, emotional maturity, enthusiastic professional attitude, knowledge of instructional practices, and ability to contribute to the advancement of the school's educational goals. Among other factors, emphasis will be placed on the candidate's academic records and his/her previous relevant experience. Staff must demonstrate awareness that children have many different family circumstances and that they are willing and able to provide the educational support a diverse student population needs in school.

MATTIE Academy’s teaching staff members must fulfill their individual responsibilities and work in concert with the other members of the teaching team.

The hiring process has been divided into two different yet overlapping committees with the separate goals of recruiting qualified applicants and interviewing applicants.

The Recruitment Committee will be composed of Governing Council members and administrators. All applicants will submit a cover letter that states their qualifications and their educational philosophy (if applicable), as well as a resume and names of three references.

The Recruitment Committee as a whole will select from the pool of respondents a list of candidates who meet the minimum requirements. The Recruitment Committee may also recruit specific individuals who come to their attention and who possess experience or expertise considered especially valuable to the school.

The Interview Committee will be composed of the Principal and members of the Recruitment Committee.

The Interview Committee will call candidates and arrange for a first interview. Each candidate will be sent a copy of the Application form. The first interview will consist of conversation and a question and answer exchange. General provisions of all contracts and benefits will be provided to the candidates. The Committee will use an interview score sheet for each candidate and follow a preset question format to ensure a standardized and fair process.

The Interview Committee will recommend its top choice to the Governing Council for approval at a meeting. The full interim Governing Council must approve and then offer a contract to the final candidate(s).

Upon selecting candidates for hiring, the Interview Committee will present its recommendations to the Governing Council for approval. The Governing Council will offer the approved candidate an employment contract.

A majority vote of the Governing Council shall be required to terminate the employment of any MATTIE Academy faculty or staff member.

MATTIE Academy is committed to hiring the individuals who are best qualified for the job without regard to race, sex, religion or handicap unrelated to the job.

Evaluation

The Principal shall have the right to observe and evaluate staff. The purpose of the performance appraisal system is to promote greater accountability by leading to changes in professional practice that result in the continuous improvement of student achievement. The assessment will include but need not to be limited to an analysis of student achievement based on student performance on standardized and other specific assessments, observation by the Principals in professional settings, and growth consistent with core professional expectations as documented by the teacher in a professional performance improvement program, and a self assessment.

Evaluations will be both informal and formal. Formal evaluation will be overseen by the Principal (who reports back to the Governing Council) and will be conducted twice a year. The Principal will spend at least half of the school day with the teacher in the class as a participant observer. Both teacher and Principal will write a brief summary of the observation period noting learning goals, activities, strengths, and a reflection on which teacher actions/attitudes might have enhanced the learning activities. These summaries will be completed and exchanged within one week of the observation, after which the teacher and Principal will meet to discuss them. Subsequent observations will build upon the objectives from each previous observation.

We believe teachers must be able to use information from students' assessments as feedback on the effectiveness of particular instructional units or approaches. Both student and teacher assessments must serve as mirrors for both parties to gain useful information. Thus, part of the formal teacher evaluation will include a summary of student performance, a review of teaching methods, the identification of areas of curricular strength and weakness, and identification of staff development needs.

Liability of district/county to handle payments if charter school defaults general assurances "District Required" language

The MATTIE Academy Charter School has been formed as a California public benefit corporation with IRS 501c3 tax exemption status. As such, the school's founders presume that the Los Angeles Unified School District will not be liable for the debts or obligations of the charter school pursuant to Education Code Section 47604(c). In the event that the Los Angeles Unified School District does not complete its responsibilities for charter school oversight under the Charter Schools Act, the District may expose itself to liability. The school intends to purchase liability and property insurance as outlined above to protect the school's assets, staff, Board of Directors members, and, where appropriate, Los Angeles Unified School District personnel. In the event of Charter School closure, any liability or debt incurred by MATTIE Academy Charter School will be the responsibility of the Charter School and not LAUSD. The MATTIE Academy Charter School understands and acknowledges that the MATTIE Academy Charter School will cover the outstanding debts or liabilities of the Charter School.

APPENDIX A: Articles of Incorporation and By-Laws

APPENDIX B: Conflict of Interest Policy

APPENDIX C: Discipline Policy

Our goal is to provide an atmosphere and learning environment that is safe, supportive and nurturing for each student. All students have a right to learn while attending a safe school. As such, discipline is a necessary part of school life and good discipline is based on an agreement between the school and parents about what is expected of our students.

There are strict behavior expectations, which include no hitting, kicking, biting, scratching and/or fighting. Also, appropriate language must be used at all the times. Respect when speaking to teachers, students and any adult is mandatory.

The goals of our discipline policy are to:

- Promote self-discipline and proper regard for authority among students;
- Encourage good behavior and respect for others;
- Ensure students' standard of behavior is acceptable;
- Regulate students' conduct

Acceptable Behavior Expectations

Students

A. How I Treat Others

I will:

- I will treat students and adults with respect and kindness.
- I will use words that are helpful, courteous and kind.
- I will treat all things that belong to other people with care.
- I will get help from an adult if someone tries to start a fight with me or a disagreement won't end. (If I am in a situation that could lead to violence or name-calling.)

I will not:

- I will not tease, call names, bully, or use profanity.
- I will never threaten to hurt anyone, even when joking around.
- I will not start fights. I understand that fighting is **NEVER** acceptable.

B. How I Do My School Work

I will:

- I will make sure my homework and projects are neat, complete and turned in on time.
- I will respect school property by taking care of my books and classroom supplies, and by keeping the rooms and yards clean.
- I will come to school on time. (Parents, this one depends on you also.)

I will not:

- I will not leave school before it's over, except for a field trip or when I have written permission.
- Parent clarifications:
    - Homework is assigned Monday through Thursday.

- You must arrange prior approval from the office to remove your student from the classroom during school hours.
- Arriving at school "on time" is between 7:20 and 7:45 a.m.

C. How I Behave and What I Bring to School

I will:

- I will greet visitors in a friendly way.
- I will offer to help those who need it or request it.
- I will take pride in my appearance. I will only wear clean school uniforms to school.
- I will eat only in the designated areas.

I will not:

- I will not bring weapons, drug/paraphernalia, or alcohol at any time.
- I will not bring: beepers, cell phones, large amounts of money, jewelry, radios, electronic games, or trading cards to school.
- I will never bring any type of weapon to school – not a real weapon or a toy one.

Parents:

Expectations: Respect, responsibility, safety, and quality will characterize all behavior, relationships, and work habits. Parents and teachers will inform, teach, and reinforce the expectations to our students at home and in the classroom respectively.

Consequences: The teacher has primary responsibility for determining and implementing appropriate rewards and consequences for acceptable and unacceptable behavior. Students who violate the acceptable behavior expectations are subject, but not limited to:

- Verbal warning
- Loss of privileges
- A notice to parents
- Conference with student/parent

The consequences listed above are not necessarily all inclusive.

No Violence: Under no circumstances will violence on campus be tolerated: acts of intimidation, extortion, harassment or physical attacks on students, school personnel, or other authorized persons on campus will not be condoned or excused. A student possessing any weapon, whether real or a toy may be suspended and/or recommended for expulsion.

Not following the Acceptable Behavior Expectations may require the School to administer appropriate consequences to help maintain a safe environment and to effectively discipline students.

To create a productive and safe learning environment for all learners, it is also important to have clear policies and consequences for any behavior that is not consistent with good citizenship or interferes with the creation of a positive and safe learning environment. Students who do not direct adequate effort to learning or do not follow the rules must be disciplined.

Examples of inappropriate behavior include:

- Not following directions
- Rude talk
- Fighting
- Disobedience
- Inappropriate touching
- Littering
- Teasing
- Spitting
- Smoking
- Non Uniform Compliant

Each teacher will discuss the above behaviors together and agree upon appropriate consequences, which may differ slightly from class to class. One consequence that can be administered by the teacher is an Office Referral.

OFFICE REFERRALS

It is at the discretion of the Teachers to refer a student to the office for administrative intervention. If this happens, the student will be sent to the office with a referral. Depending upon the specific circumstances surrounding the student's behavior, a student may remain at the office for a short "time out" period, or may need to stay longer. The parent or guardian may be notified to immediately pick up the student and the student may remain in the office or benched until he/she is picked-up. In school detentions may take place at the principal's discretion. After the third referral, the following actions may be taken:

1. The student's parent or guardian will be called and informed of the policy violations(s).
2. A date will be set for the parent or guardian to come to school for a <u>mandatory</u> conference and a time set for their classroom sit-in time.
3. The student may <u>not</u> return to school until the parent or guardian comes for a conference and/or completes the required classroom sit-in time.
4. The fourth office referral can result in a suspension.
5. Case Manager and probation officer may be involved.

SUSPENSION

ON CAMPUS SUSPENSION PROGRAM (OCS)

The M.A.T.T.I.E. Academy **On Campus Suspension Program** will be used in lieu of our students being suspended entirely from class and instruction. This will provide students with the opportunity to attend school and complete class work while they are being disciplined. The administrator will determine which students qualify for this alternative disciplinary program based on the nature of the incident and the policy violated.

In addition to regular assignments, On Campus Suspended students will receive instruction in conflict resolution, anger management, and group counseling.

Instructional packets will be assembled by the primary teacher based on subject and grade level. Packets will include work that covers the number of days suspended.

On Campus Suspended students will have nutrition from 9:00 – 9:15 a.m., and lunch from 12:05 p.m. – 12:35 p.m.

*Teachers may suspend a student from class for one (1) day only.

IN-HOUSE SUSPENSION
Students who have violated the discipline policy and require multiple day suspensions will be sent to be sent to another site as an alternative to home suspension. Zero tolerance violations will be referred to expulsion committee for review.

Reasons for Suspension and Expulsion

Category III
Students may be recommended for suspension and/or expulsion when any of the following occur at any time, including, but not limited to, while on school grounds; while going to or coming from school; during the lunch period, whether on or off the campus, or during, or while going to or coming from, a school-sponsored activity:

- Caused, attempted to cause, or threatened to cause physical injury to another person
- Willfully used force or violence upon the person of another.
- Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Director or the designee of the Director.
- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- Unlawfully offered, arranged, or negotiated to sell any controlled substance, alcoholic beverage, or intoxicant or otherwise furnished to any person another liquid, substance, or material represented as a controlled substance, alcoholic beverage, or intoxicant.
- Committed or attempted to commit robbery or extortion.
- Caused or attempted to cause damage to school property or private property.
- Stole or attempted to steal school property or private property.
- Possessed or used tobacco, or any products containing tobacco or nicotine products including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products. .
- Committed an obscene act or engaged in habitual profanity or vulgarity.
- Possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia as defined in Section 1104.5 of the Health and Safety Code
- Disrupted school activities or otherwise willfully defied the valid authority of school personnel engaged in the performance of their duties.
- Knowingly received stolen school property or private property.
- Possessed an imitation firearm.

- Committed or attempted to commit a sexual assault or committed a sexual battery.
- Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- Unlawfully offered, arranged to sell, negotiated to sell, or the selling of prescription drug.
- Engaged in, or attempted to engage in, hazing as defined in Section 32050.
- Aided or abetted the infliction or attempted infliction of physical injury to another person (suspension only).

48900.2 Committed sexual harassment (grades 6-12)

48900.3 Caused, attempted to cause, threatened to cause, or participated in the act of hate violence (grades 6-12)

48900.4 Engaged in harassment, threats, or intimidation directed against school district personnel or pupils (grades 6-12)

48900.7 Made terrorist threats against school officials, school property or both.

Category II
Students will be recommended for suspension and expulsion when any of the following occur at school or at a school activity off-campus; unless the school administrator determines that the expulsion is inappropriate:

- Causing serious physical injury to another person, except in self-defense.
- Possession of any knife or other dangerous object of no reasonable use to the pupil.
- Unlawful possession of any controlled substance, except for the first offense of less than an ounce of marijuana.
- Robbery or extortion.
- Assault or battery (as defined in Penal Code sections 240 and 242) upon any school employee.

Category I
It is a federal mandate that a school expel, for a period of not less than one year (except on a case-by-case basis), any student who is determined to have brought a firearm to school. In addition, students will immediately be suspended and recommended for expulsion when any of the following occur at the school or at a school activity off campus:

- Possessing, selling, or furnishing a firearm.
- Brandishing a knife at another person.
- Unlawfully selling a controlled substance.
- Committing or attempting to commit a sexual assault or committing a sexual battery (as defined in Section 48900[n]).
- Possession of an explosive (as defined in section 921 of Title 18 of the U.S. Code).

CLASSROOM FORMAL OBSERVATION TIME

After an office referral, the student's parent or guardian may be required to come to school and sit in the classroom with the student. They must do this for a minimum of one hour. Depending

upon the severity of the student's behavior, a longer period of time may be required. If for some reason the parent or guardian is not cooperative with this process, then the student may be suspended at home and may then be considered for expulsion.

STUDENT SUPPORT TEAM

The Student Support Team may consist of the following members:

Parent or guardian of student referred
The teacher of student referred
An Administrator
Counselor, psychologist, or specialist
Student (when appropriate)

This team will be responsible for the following actions:

Develop a "Support Plan"
Meet one month following first meeting to check progress of Support Plan
Make any necessary changes to Support Plan to ensure greater success
Document all meetings, discussions and progress of the student

A Support Plan may assist by developing the following:

Summary of demonstrated behaviors by student that necessitates this degree of support;
Summary of any actions already taken by teacher, parent, or other staff to address the needs of the student;
Description of new actions to be taken in order to address the specific situation;
One-page agreement to be agreed upon and signed by all concerned parties.

Some possible support actions are:

Daily, weekly, or monthly contract
Restriction from before or after school activities
Family and/or student counseling
Half day schedule
Journaling

IMPLEMENTATION

Fair and consistent judgment and decision-making by all staff is crucial to the enforcement of the discipline policy. Therefore, all staff will be evaluated regularly in relation to their roles in the implementation of the discipline policy.

PARENT SUPPORT

Parents and home life are an important influence in shaping the character and attitudes of students. There are many ways that parents can work with the school to improve behavior, both at home and school. Some tips that might be helpful include:

Modeling and teaching good manners at home. Examples include: using polite and courteous language—saying please and thank you; not interrupting people while they are speaking and saying excuse me if it is absolutely necessary; walking over to people to ask them a question rather than calling from the other side of the house (this behavior is very disruptive in the classroom);

Talking to your students/ about behavior reports and providing an incentive for their success. (A hug, or special time together for example.)

Seriously addressing problem behaviors that are reported by the school. Consider removing telephone, video game, television and other privileges from students after experiencing school problems. These actions will demonstrate your support for the school and discourage the problem behaviors from recurring.

Take time to discuss the importance of discipline with your student/students regularly. Become more disciplined in a challenge area for yourself, (i.e. dieting, exercising, speaking a second language.) and talk about your progress/challenges with your students.

Support the school's policy in discussions with your student. If you are frustrated and demonstrate disrespect for the school's policies, it is likely that your students will too.

Take time to talk with students regularly. A student who can effectively communicate his/her needs and issues is less likely to try to communicate through physical force.

Consider the possible impact of television and movies that you and your students watch; consider alternative activities like playing cards, reading, or working together on a puzzle.

c) Adhering to the school's uniform policy

OUT OF UNIFORM NOTICES
Parents will receive "Out of Uniform" notices if the student is not adhering to the uniform policy. The notice should be returned to the school with the parent's signature.

PENALTY FOR NON-COMPLIANCE
On the third notice for non-compliance in one school year, a School representative will initiate a telephone conference with the student's parent. The goal of the conference will be to resolve the issue of uniform non-compliance.

On the fourth non-compliance notice in one school year, the student will be sent home and not allowed to return until a formal conference takes place between the student, parent, and an administrator.

Three or more non-compliance notices constitute an unsatisfactory on the uniform section of the Family Evaluation.

APPENDIX D: Special Education Plan

MCD OUTCOME	COMPONENT	SCHOOL PLAN
Federal Requirement, District publications and forms are available	Search and Serve	The school district staff will actively search for students by requesting permanent records from feeding middles schools within the district through an application that consist of students. Also, the Search and Serve information will be in the language of the parents and will have outlined procedural steps for parents to request that their child/children to be assessed for special education programs and services. The Search and Serve information will be posted at the school site and posted in public agencies.
Outcome 2	Intervention Programs	Intervention Program for English Language Arts & Mathematics: Response to intervention (RTI) is the data-driven approach has proven to be most effective as it relates to documenting the interventions utilized to assist academic growth as well as improve the instructional strategies provided to the students by teachers. The three levels of RTi are; Tier I (Core Level without intervention) , Teachers will you the core textbook and instructional materials), But students who are placed in either Tier 2 (Small Group Instruction with some intervention) , or Tier 3 (Small Group with intense intervention) would use an intervention programs approved by the State Department of Education . Also, the incorporation of computer assisted programs will be used. Mattie Academy's principal and faculty will determine participants in Tier I, 2, and 3 by reviewing multiple assessment measures. Administrators and teachers will determine participants of each Tier by scheduled Benchmark assessments 3 times a year and by progress monitoring assessments every 6 weeks. Students whose data scores indicate Below Basic will be in Tier 2 and students whose data scores Far Below Basic will be in be instructed in Tier 3. **The Memorandum of Consent Decree** The administration, faculty and the staff of Mattie Academy will adhere to the stipulations of the Memorandum Consent Decree. The special needs students will be provided with the core/intervention materials. Intervention materials will be use to enabled students to improve in English Language Arts and in Mathematics. Special education students will be assessed three times a year and progress monitoring assessments will be completed every six week in order to ensure assessed data measures and to record academic growth of each special education student for the school year.

MCD OUTCOME	COMPONENT	SCHOOL PLAN
		A scheduled professional development staff meeting for general education teachers and for special education teachers and will receive a copy of the Consent Decree. The administrator and the special education coordinator will emphasize that the Memorandum of Consent Decree and they will they will state that the document is a legal binding agreement between the State Department of Education and the Los Angeles School District. Therefore we must work diligently to close the achievement gap between special education student and general education students.
Outcomes 5, 17 and 18 LAUSD Board Policy	Discipline Foundations Plan and Behavior Support	The district will utilize social contracts for all classrooms across the district. The social contracts will be developed during the first two weeks of school by the teachers and students in each class. The goal of the social contract technology-I touch to implement Review 360 program to monitor behavior. An IEP meeting will be scheduled for students who require a Behavioral Support Plans or supportive services such as counseling based on students' eligibility and their given behavioral needs. A uniformed school-wide discipline - plan will be determined and outlined with input of administrator, and the faculty. A program such as" On Track" that provides recognition & reward for being on time to the classroom, for completing class/homework assignments in the classroom., for positive and cooperative behavior in the classroom and on the campus**.**
Necessary for Planning, will be provided	Description of Student Population	All enrolled student within the school district who are qualified for special education services will receive services through the school districts special education program. This would include the two high schools grades, 10-12 the two 9th grade centers grade, the Career High school grades 9-12, and both alternative campuses.

MCD OUTCOME	COMPONENT	SCHOOL PLAN
Outcome 2	Special Education Program Description	An inclusive education program will be implemented within the school district. (For the purpose of this presentation the focus will be the implementation of inclusive practice at the secondary level grades (6-12). The program adopted by the school district is the Step by Step approach to inclusion developed by Stetson and Associates. The Stetson approach promotes a full continuum of services for qualified special education students. To the left of the continuum are specialized programs that are outside the general education classrooms to the right side of the continuum which is in the general education setting-the least restricted environment. Within the inclusion environment students are provided with support and services based on their individual needs. Some of the inclusion supports includes; co-teach, support facilitation, peer support, and monitor only. Monitor only students are those students who perform and function with little to no assistance. These students are able to complete academic lessons as designed by the general education teacher.
Outcomes 8, 10, 13, 14, 15	IEP Process: Implementation and Monitoring	Qualified special education students will have Individual Educational Plan (IEP) goals developed annual. During each school year teachers will ensure the implementation of all academic and social goals and objectives outlined in the individual students IEP. Administrators and district level special education staff will established a progress monitoring schedule in order to measure the academic progress of special education students, struggling students in general education as well as general education students throughout the school year.
Outcomes 10, 18	Procedures for Identification and Assessment of Students	Once a student reaches Tier 3 of RTI process the student will receive intense small group instruction and the parents of the student will participate in a Student Success Team (SST) process. The parent may request a diagnostic/psychological evaluation that will determine the student's cognitive, psychological and/or physical disability.

MCD OUTCOME	COMPONENT	SCHOOL PLAN
Outcome 2	Instructional Plan for students using grade level standards	For students receiving support within the on-site inclusion programs, the instructional plan will be aligned with general education rigorous standards and expectations. A student may receive accommodations and/or modifications based on each disabled student's Individual Educational Plan. Thus, the student will be able to complete the required assignments and tests that is presented by the general education teacher in collaboration with the special education teacher. An instructional design tool will be provided to all general and special education teachers to ensure lesson plan development incorporates flexible grouping, differentiated instructional strategies, and accommodations and/or appropriate modifications.
Outcome 7A, 7B	Instructional Plan for students using Alternate Standards	The instructional plan for students using alternate standards will consist of various methods and effective instructional strategies based on their Individual Education Plan of each special need student.
Outcome 13	Plan to provide Supports & Services	Support and services regarding special need students will be determined based on each student's special education eligibility and on supportive services that will be determined by the consensus of the IEP team.
Outcome 9 (for programs with students 14 and older)	Transition Planning Strategies	Mattie Academy will incorporate a wide variety of instructional strategies designed to address the different learning styles (kinesthetic, auditory, visual) and the developmental needs of students ages 12-18 that will be served. The school will provide the teachers with the students' academic strengths and weaknesses based on the 2010-2011 CST scores of the last school that the students attended. The transition planning strategies will be determined when the special education student is 16 years old. The transition planning will be determined by ensuring dates and procedures for the student to apply for a Social Security card, driver's license, and allowing the student to explore difference career development paths and to participate in the community service learning programs as well as internships.

MCD OUTCOME	COMPONENT	SCHOOL PLAN
Federal requirement	Access to Extra-Curricular/Non academic activities:	Mattie Academy will provide community service learning opportunities, internships and career development throughout the surrounding community. The learning opportunities will be focused be on essential problem-solving skills, leadership development, and on professional learning communities with strategies to close the achievement gaps of special education needs students.
Federal requirement	Providing Extended School Year	During extended school year, academic and social goals outlined in the individual students IEP will be implemented, and the instructional plan will be aligned with general education rigor and expectations. Students may receive accommodations and/or modifications based on the consensus of the IEP team.
Federal Court requirement	MCD Outcomes (to be woven among others)	The school district will address thirteen components necessary for the success of the special education inclusion program. The thirteen components are: 1.how the district will search and serve, 2.what intervention programs will exist prior to special education qualification, 3.the discipline foundations plan and behavior support that exist within the district, 4. the program design, IEP process, 5. implementation and monitoring, 6. procedures for identification and assessment of students, 7. instructional plan for students using grade level standards, 8. instructional plan for students using alternative standards, 9. plan to provide supports and services, 10.transition planning strategies, 11. Access to extra-curricular/Nonacademic activities, 12. How extend ed school year will be implemented, 13. Professional development, staffing/operations, parent participation.

MCD OUTCOME	COMPONENT	SCHOOL PLAN
All	Professional Development	The school will also provide on-site workshops and staff development on good teaching practices that address the ELL learning needs on an as needed basis to ensure that these students are receiving the appropriate instructional program that advances their academic English proficiency level. The teachers will be given the opportunity to attend workshops on EL methodology as provided by the district. The school will provide on-site workshops and staff professional development on effective instruction practices that address the learning needs for students with disabilities. On-site workshops will include such topics as effective collaboration and instruction of special needs students in a general education classroom, effective lesson design to include the needs of special education students as well as legal stipulations that general education teacher should know and apply in their classroom. Special education teachers and general education teachers will collaborate on an on-going basis. The special education teacher and the general education teachers will discuss a push-in model and determine effective methods and strategies of team teaching to ensure the academic success of special needs students in the classroom.
Outcomes 6, 8, 16	Staffing/Operations	The charter school will operate as an independent charter school operated as a nonprofit corporation. Governance will be provided by a Charter School Board that has legal responsibility for the school. The Charter School Board will meet monthly and meetings dates and reminders will be posted on the school's web site, at the school, and with flyers sent home with students. EdFutures, Inc., the school's management company, will report to the CEO and Charter School Board related to operations, business services, and fiscal management. The school principal reports to the Chief Executive Officer, who serves as the principal's direct supervisor. All school personnel reports to the principal. The principal, teachers, and other staff are employees of the Charter School Board.

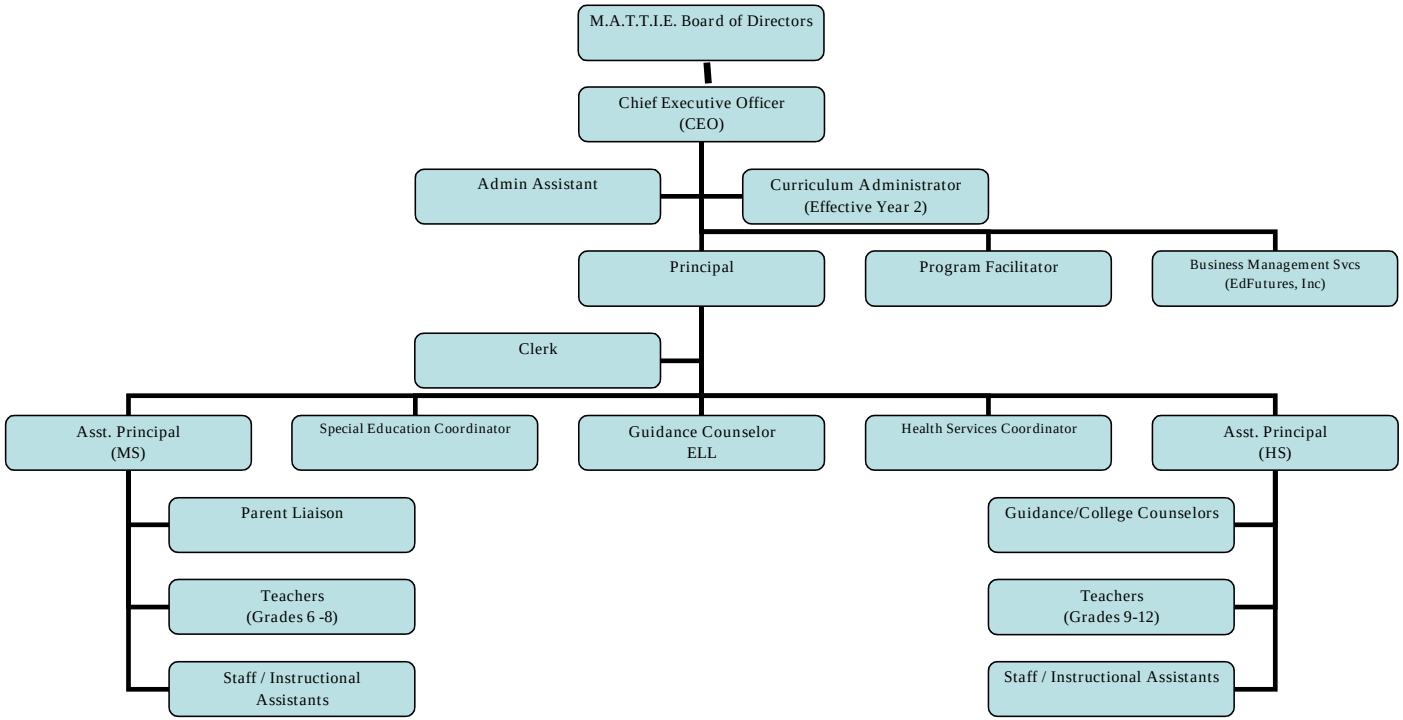
MCD OUTCOME	COMPONENT	SCHOOL PLAN
	Fiscal	The school shall annually adopt a budget as a planning tool to implement its strategic plan. The budget will be approved by the Board, and implemented by the management staff. In order to manage the resources of the school, a budget will be prepared to reflect the priorities of the school, and to help achieve its goals and objectives MATTIE Academy's goals in its fiscal management is: • To prioritize dollars available for the greatest educational return and the greatest contributions to students and their educational program, • To use budget projection methods that clarify quarterly and year-end expenditure needs • To adopt careful procedures for accounting, reporting, business, purchasing and delivery, payroll, payment of vendors, and contractors, and all areas of fiscal management The MATTIE Academy Board of Directors recognizes that one of its primary responsibilities is to review and approve an annual budget, and to secure adequate funds to carry out the educational program. The school will assign responsibility for administering the operating budget. The assigned budget administrator will be authorized to implement the budget, subject to review by the Board, and will follow these provisions: • That all budget actions are consistent with California law, generally accepted accounting industry standards, and board policy, • That all expenditures of funds are made in accordance with the requirements of the State of California and adopted board policy, • That revenue from any Federal or State sources are implemented in accordance with any specific federal or state laws or requirements, • That financial reports are presented to the Board, so the Board is informed of current and future financial matters, • That all accounts are audited annually.

MCD OUTCOME	COMPONENT	SCHOOL PLAN
Outcome 14	Parent Participation	The school will involve parents in its operations by including them in the decision-making and inviting them to all board of director meetings. The Charter School Board will be comprised of parents, community members and other individuals and those members will be actively involved in governance activities. Additionally, all Charter School Board meetings will be open and will hear and consider suggestions and other input on the school's governance. Furthermore, the Charter School Board will have a Parent and Community Involvement Committee, which work to ensure meaningful parent involvement. Its activities will be as follows: • Communicate school activities and issues of interest to the broader community. • Engage parents and community members in dialogues around major decisions impacting the school and the community. • Monitor and support school outreach, adult education, and outreach programs for parents. The school will encourage parents to form a parent advisory committee to the school's governing board. The school will also work with parents to develop and adopt a set of parent involvement policies and strategies. The school will maintain in effect general liability and board errors and omissions insurance policies. The Parents' Association will administer a parent-participation program and will provide input to the Charter School. Additionally, the association will plan and conduct fund-raising, and will serve as a support network for school families. Current families will serve as mentors to families who are new to the school. To effect parent participation, prospective parents will be asked to sign a Parent Participation Contract each school year that commits them to active, consistent support of the school's mission and operations. Although this contract is not legally binding, and students cannot be removed from the school if parents do not fulfill its terms, the Parent Participation Contract will clearly define what is expected of parents. Parents will be encouraged to choose their path to school participation based on their talents, schedule and interests. While parental participation is essential to the success of MATTIE ACADEMY OF CHANGE, no student will be suspended or expelled because his or her parents do not fulfill the parent participation contract.

APPENDIX E: Organization Chart

See following page.

MATTIE Organization Chart



APPENDIX F: Budget

The MATTIE Academy of Change Board is committed to the following goals in its fiscal management:
1. To engage in advanced planning, carefully forecast anticipated financial needs, and seek out varied sources of revenue to meet those needs,
2. To maintain flexibility and business-mindedness during the year, applying funding where they are needed, even if other than planned—to withhold spending, if time and clarity show a planned expense is not essential,
3. To encourage a conservative spending ethic and approach to expenditure needs, being resource efficient with energy, and using available property and transportation services,
4. To prioritize dollars available for the greatest educational return and the greatest contributions to students and their educational program,
5. To find resources so students and teachers have the essential supplies they need to meet educational program goals,
6. To use budget projection methods that clarify quarterly and year-end expenditure needs,
7. To provide timely information to all staff related to budget and methods for requesting and managing money within the school,
8. To adopt careful procedures for accounting, reporting, business, purchasing and delivery, payroll, payment of vendors, and contractors, and all areas of fiscal management,
9. To hold a high standard for ourselves and others as regards conflict of interest, and impartiality in the awarding of contracts for good and services.

The MATTIE Academy of Change Board recognizes that one of its primary responsibilities is to review and approve an annual budget, and to secure adequate funds to carry out the educational program.

The Board will assure that the budget is prepared and presented early enough in each annual cycle to allow for discussion and research. The Board expects all its school members to do their part to clarify both essential and wishful needs, providing back up materials. The annual school budget process is an important charter school function and will serve as a means to communicate the school's program.

The MATTIE Academy of Change has partnered with EdFutures, Inc (EDF) for which its duties include the responsibility for administering the operating budget. The assigned budget administrator and his/her designee(s) will be authorized to implement the budget, subject to review by the Board, and will follow these provisions:

1. That all budget actions are consistent with California law, generally accepted accounting industry standards, and board policy,
2 That all expenditures of funds are made in accordance with the requirements of the State of California and adopted board policy,
3. That revenue from any Federal or State sources are implemented in accordance with any specific federal or state laws or requirements,
4. That financial reports are presented to the Board, so the Board is informed of current and future financial matters,
5. That all accounts are audited annually.

MATTIE Academy of Change financial plan, see Excel file on CD
Filename: *Mattie Academy FinancialPlan-525-final050611*

The proposed MATTIE Academy start-up, planning budget, and cash flow projections are in the following worksheets.

Start-Up Budget

School Name: **MATTIE Academy of Change Charter School**
Operating Year: **Start-up Year (i.e. Prior to School Opening)**
Time Period:

	Enter Data in Yellow Boxes
	Automatically Generated
	Please Leave White Boxes Empty

Category	Startup Cost	Guidelines
Enrollment Projections by Grade Level		
Projected Enrollment K-3	0	
Projected Enrollment 4-6	100	
Projected Enrollment 7-8	150	
Projected Enrollment 9-12	275	
Total Projected Enrollment	**525**	
Certificated Salaries:		
Certificated Teachers FTE	$ 70,547	
Certificated Instructional Aides	$ -	
Certificated Administrations and Management	$ 71,667	
Total Certificated Staffing Startup	**$ 142,213**	
Classified Salaries		
Director	$ 21,667	2-6 months Admin Salary
Admin Support	$ 15,000	2-6 months Admin support
Sub-total	**$ 36,667**	
Benefits		
STRS/PERS/OASDI/Medicare (16.5% salaries)	$ 27,205	
Health and Welfare Benefits	$ 45,500	
Unemployment Insurance	$ 1,789	1% of total salaries
Workers' Compensation Insurance	$ 10,733	6% of total salaries
Retiree Benefits	$ 15,143	
Other Employee Benefits	$ -	
Sub-total	**$ 100,369**	
Facilities		
Lease Deposit, prepaid rent & rent	$ -	Contingent on lease plus 2-3 months occupancy
Site preparation, Tenant Improvement	$ -	Contingent on lease, may be incorporated into lease.
Interior Decorating	$ -	Contingent on lease, may be incorporated into lease.
Network Wiring	$ -	Contingent on lease, may be incorporated into lease.
Power & ventilation for Computer Server	$ -	Contingent on lease, may be incorporated into lease.
Sub-total	**$ -**	
Initial Staff Development		
Staff Orientation	$ 25,500	Contingent on grades and classes, 5-10 teacher days per class grade @ $150
Instructional Consultation	$ -	
Sub-total	**$ 25,500**	
Furniture, Fixtures & Equipment		
Student Work Stations, Desks & Tables	$ -	Contingent on grades, classrooms & enrollment: 1desk/student @ $135; 1 table/4 students @$100
Students Chairs	$ -	2 chairs per student @ $20 - $50 each
Staff Workstations, Desks & Chairs	$ -	Two chair(s)/one desk per staff or teacher @ $300-500
Book shelves	$ -	One - Two per certificated teacher Mgmt/classified staff @ $100
File Cabinets	$ -	One per certificated teacher & one per classified staff @ $300-500
Fire Proof Storage Student Records & MIS Backup	$ 1,000	One @$500-$1000
Bulletin Boards, Dry Erase Boards	$ -	One - Two per certificated teacher $150
Storage Cabinets	$ -	As needed
Sub-total	**$ 1,000**	
Instructional Materials & Equipment		
Textbook(s) & Curriculum	$ 105,000	$200-300 per student
Teacher/Students Computer(s)	$ 25,500	One per every 10-20 students, One per certificated teacher @$1500-2000
Classroom Printer(s)	$ 2,000	One per every 5-7 Computers @ $500-1000
Classroom Software License(s)	$ 7,350	One license for each workstation utilized not to exceed site license authority. $350-500/computer
Classroom Fax Machine(s)	$ -	One fax machine for instructional communications @ $100 - $500
Television(s)	$ -	One for every 5 certificated teachers @ $350-$500
VCR(s)/DVD(s)	$ -	One for every 5 certificated teachers @ $150-$200
Overhead Projector(s)	$ -	One for every 5 certificated teachers @ $250-$400
Video Display Projection System(s)	$ -	One for every 5 certificated teachers @ $1000-$1500
Projection Screen(s)	$ -	One for each classroom @ $150
Public Address System	$ -	One for the school @ $750-1500
Sub-total	**$ 139,850**	

Start-up Budget – MATTIE Academy (continued)

Office Equipment & Supplies			
First Aid Kit(s)	$	300	One - Two per school @ $300
Copier Lease or Purchase?	$	1,000	Assumption - Lease
Initial Office Supplies & Equipment	$	5,000	
Fire Extinguishers	$	1,050	As required by occupancy - assume one per classroom @ $50
Cleaning Equipment/Supplies	$	1,000	
Telephone System	$	-	One for the school @ $500-1500
Admin Computer(s)	$	4,500	One per admin staff @ $1500
Admin Printer(s)	$	1,000	One public & one secure printer @ $500-1000
Admin Software License(s)	$	1,500	One license for each workstation utilized not to exceed site license authority. $350-500/computer
Admin Fax Machine(s)	$	500	One for admin communications @ $350-$750
Tool Kit	$	150	One for the school @ $150-$350
Misc	$	-	
Sub-total	**$**	**16,000**	
Professional Services & Consultants			
Legal	$	7,500	Assumes contracts @ $2500-$7500
Testing, Accountability & Assessment	$	2,500	Assumes contracts @ $2500-$7500
Finance & Operations	$	15,000	Assumes contracts @ $2500-$7500
Special Education	$	12,500	Assumes contracts @ $2500-$7500
Technology	$	12,500	Assumes contracts @ $2500-$7500
Sub-total	**$**	**50,000**	
TOTAL	**$**	**511,599**	

CHARTER SCHOOL PLANNING BUDGET

School Name: **MATTIE Academy of Change Charter School**

Operating Years: **Startup - Year 5**

Time Period:

	Enter Data in Yellow Boxes
	Automatically Generated
	Please Leave White Boxes Empty

COLA	2.0%

Object Code	Description		Startup	Year 1	Year 2	Year 3	Year 4	Year 5
REVENUES								
	Revenue Limit Sources							
8015	General Purpose Entitlement Block Grant	2010-11 level						
	Grades K - 3	$5,277		$ -	$ -	$ -	$ -	$ -
	Grades 4 - 6	$5,128		$ 471,776	$ 360,909	$ 368,127	$ 375,489	$ 382,999
	Grades 7 - 8	$5,278		$ 728,364	$ 866,753	$ 884,088	$ 901,770	$ 919,805
	Grades 9 - 12	$6,142		$ 1,553,926	$ 1,729,096	$ 1,763,678	$ 1,798,951	$ 1,834,930
	Total, Revenue Limit Sources			**$ 2,754,066**	**$ 2,956,758**	**$ 3,015,893**	**$ 3,076,211**	**$ 3,137,735**
	Federal Revenues							
8290	No Child Left Behind (Title I)			$ -	$ 314,799	$ 336,396	$ 321,126	$ 324,339
8110	CDE PCS Grant		$ 300,000	$ 300,000	$ -	$ -	$ -	$ -
8190	EESA/Math & Science			$ -	$ -	$ -	$ -	$ -
8220	Child Nutrition - Federal			$ 377,528	$ 405,603	$ 415,701	$ 425,799	$ 436,739
8260-8299	Other Federal Revenues			$ -	$ -	$ -	$ 75,500	$ 75,500
	Total, Federal Revenues		**$ 300,000**	**$ 677,528**	**$ 720,402**	**$ 752,097**	**$ 822,425**	**$ 836,578**
	Other State Revenue							
8480	Categorical Block Grant	$400		$ 193,200	$ 258,060	$ 263,221	$ 268,486	$ 273,855
8321	Special Education - State			$ 57,084	$ 58,226	$ 59,391	$ 60,578	$ 61,789
8556	State Lottery	$128			$ 61,583	$ 65,805	$ 67,121	$ 68,464
8536	Class Size Reduction	$1,071		$ -	$ -	$ -	$ -	$ -
8584	EIA	$318		$ 175,298	$ 185,291	$ 191,064	$ 194,886	$ 198,783
8536	All Other State Revenues			$ 114,405	$ 114,405	$ 114,405	$ 114,405	$ 114,405
	Total, Other State Revenues			**$ 539,987**	**$ 677,564**	**$ 693,886**	**$ 705,476**	**$ 717,297**
	Other Local Revenue							
8600	Transfers from Sponsoring LEA		$ -	$ -	$ -	$ -	$ -	$ -
8660	Interest		$ -	$ -	$ 5,336	$ 10,398	$ 15,563	$ 21,760
8699	Fundraising		$ -	$ -	$ -	$ -	$ -	$ -
8700	Other Grants		$ -	$ 400,000	$ 250,000	$ 250,000	$ 250,000	$ 250,000
8710	All Other Local Revenues		$ -	$ 625,433	$ 668,278	$ 668,345	$ 681,711	$ 695,343
8979	Loan Financing (e.g. Charter School Revolving Loan)		$ 250,000	$ -	$ -	$ -	$ -	$ -
	Total, Local Revenues		**$ 250,000**	**$ 1,025,433**	**$ 923,614**	**$ 928,743**	**$ 947,274**	**$ 967,103**
	TOTAL REVENUES		**$ 550,000**	**$ 4,997,013**	**$ 5,278,337**	**$ 5,390,619**	**$ 5,551,385**	**$ 5,658,712**
EXPENDITURES								
	Certificated Salaries							
1100	Teacher Salaries			$ 814,000	$ 881,280	$ 898,906	$ 916,884	$ 935,221
1170	Substitute Teacher Salaries (4% of Teacher Salaries)			$ 32,560	$ 35,251	$ 35,956	$ 36,675	$ 37,409
1200	Certificated Pupil Support/Teacher Aide Salaries			$ 300,000	$ 306,000	$ 312,120	$ 318,362	$ 324,730
1300	Certificated Supervisor and Administrator Salaries			$ 430,000	$ 438,600	$ 447,372	$ 456,319	$ 465,446
1900	Other Certificated Salaries			$ -	$ -	$ -	$ -	$ -
	Total, Certificated Salaries		**$ 142,213**	**$ 1,576,560**	**$ 1,661,131**	**$ 1,694,354**	**$ 1,728,241**	**$ 1,762,806**
	Classified (non-certificated) Salaries							
2100	Instructional Aide Salaries			$ 281,000	$ 311,620	$ 317,852	$ 324,209	$ 330,694
2200	Non-certificated Support Salaries			$ 48,000	$ 48,960	$ 49,939	$ 50,938	$ 51,957
2300	Non-certificated Supervisor and Administrator Salaries			$ 90,000	$ 91,800	$ 93,636	$ 95,509	$ 97,419
2400	Clerical and Office Salaries			$ 111,195	$ 113,419	$ 115,687	$ 118,001	$ 120,361
2900	Other Non-certificated Salaries (IT support, etc.)			$ -	$ -	$ -	$ -	$ -
	Total, Non-certificated Salaries		**$ 36,667**	**$ 530,195**	**$ 565,799**	**$ 577,115**	**$ 588,657**	**$ 600,430**
	Employee Benefits							
3101-3302	STRS/PERS/OASDI/Medicare (10.2%-Certifcated;16.87%-Classified)			$ 250,253	$ 264,886	$ 270,183	$ 275,587	$ 281,099
3401-3402	Health and Welfare Benefits			$ 273,000	$ 294,580	$ 303,417	$ 312,520	$ 321,896
3501-3502	Unemployment Insurance	1%		$ 19,548	$ 22,269	$ 22,715	$ 23,169	$ 23,632
3601-3602	Workers' Compensation Insurance	4%		$ 84,270	$ 89,077	$ 90,859	$ 92,676	$ 94,529
3701-3702	Retiree Benefits			$ -	$ -	$ -	$ -	$ -
3901-3902	Other Employee Benefits			$ -	$ -	$ -	$ -	$ -
	Total, Employee Benefits		**$ 100,369**	**$ 627,071**	**$ 670,812**	**$ 687,174**	**$ 703,952**	**$ 721,156**
	Books and Supplies							
4100	Approved Textbooks and Core Curricula Materials			$ 105,000	$ 112,200	$ 114,444	$ 116,733	$ 119,068
4200	Books and Other Reference Materials			$ 52,500	$ 56,100	$ 57,222	$ 58,366	$ 59,534
4300	Materials and Supplies			$ 118,650	$ 126,786	$ 129,322	$ 131,908	$ 134,546
4400	Non-capitalized Equipment(computers, printers, servers)			$ 157,500	$ 168,300	$ 171,666	$ 175,099	$ 178,601
4700	Food			$ 377,528	$ 405,603	$ 415,701	$ 425,799	$ 436,739
	Total, Books and Supplies		**$ 139,850**	**$ 811,178**	**$ 868,989**	**$ 888,355**	**$ 907,906**	**$ 928,487**

PLANNING BUDGET (Continued) – MATTIE Academy

	Services and Other Operating Expenditures						
5200	Travel and Conferences		$ 25,000	$ 26,050	$ 26,832	$ 27,636	$ 28,466
5300	Dues and Memberships		$ 1,500	$ 2,750	$ 2,750	$ 2,750	$ 2,750
5400	Insurance		$ 50,000	$ 51,500	$ 53,045	$ 54,636	$ 56,275
5500	Utilities and Housekeeping Services		$ 4,500	$ 4,635	$ 4,774	$ 4,917	$ 5,065
5600	Rentals, Leases, Repairs, and Noncap. Improvements	$ -	$ 50,000	$ 51,500	$ 53,045	$ 54,636	$ 56,275
5800	Professional/Consulting Services and Operating Expend.	$ 91,500	$ 940,000	$ 961,650	$ 981,269	$ 1,001,291	$ 1,021,726
5900	Communications (Phones, ISP, Internet)	$ 1,440	$ 59,792	$ 60,988	$ 62,208	$ 63,452	$ 64,721
	Total, Services/Other Operating	**$ 92,940**	**$ 1,130,792**	**$ 1,159,073**	**$ 1,183,922**	**$ 1,209,319**	**$ 1,235,278**
	Capital Outlay						
6100-6170	Land and Land Improvements		$ -	$ -	$ -	$ -	$ -
6200	Buildings and Improvements of Buildings		$ -	$ -	$ -	$ -	$ -
6300	Books and Media for New Libraries		$ -	$ -	$ -	$ -	$ -
6400	Equipment (computers, servers, etc. over $5,000)		$ -	$ -	$ -	$ -	$ -
6490	Furniture	$ 1,000	$ 97	$ 97	$ 97	$ 109	$ 109
6500	Equipment Replacement		$ -	$ -	$ -	$ -	$ -
	Total, Capital Outlay	**$ 1,000**	**$ 97**	**$ 97**	**$ 97**	**$ 109**	**$ 109**
	Other Outgo						
7110-7143	Tuition to Other Schools		$ -	$ -	$ -	$ -	$ -
7221-7223SE	Transfers of Apportionment to Other LEAs (except SPED)		$ -	$ -	$ -	$ -	$ -
7221	Transfers of Apportionment to LEAs (Special Ed)		$ 2,854	$ 2,911	$ 2,970	$ 3,029	$ 3,089
7221-7223AO	All Other Transfers of Apportionments to Other LEAs		$ -	$ -	$ -	$ -	$ -
7281	All Other Transfers		$ -	$ -	$ -	$ -	$ -
7350	District Oversight (3%-5%) 3% set as default		$ 88,418	$ 96,445	$ 98,373	$ 100,341	$ 102,348
7430	Loan Repayment	$ -	$ -	$ -	$ -	$ -	$ -
7438	Debt Interest	$ -	$ -	$ -	$ -	$ -	$ -
	Total, Other Outgo	**$ -**	**$ 91,272**	**$ 99,356**	**$ 101,343**	**$ 103,370**	**$ 105,437**
	TOTAL EXPENDITURES	**$ 513,039**	**$ 4,767,164**	**$ 5,025,257**	**$ 5,132,359**	**$ 5,241,554**	**$ 5,353,704**
	Cash Reserve Requirement (4% of Categorical and Block Grants)		$ 117,891	$ 128,593	$ 131,165	$ 133,788	$ 136,464
	Excess of Revenues over Expenditures and Reserve	**$ 36,961**	**$ 111,958**	**$ 124,488**	**$ 127,095**	**$ 176,044**	**$ 168,545**
	Beginning Cash Balance (less reserves)	$ -	$ 36,961	$ 148,918	$ 273,406	$ 400,501	$ 576,545
	Net Cash Balance	$ 36,961	$ 148,918	$ 273,406	$ 400,501	$ 576,545	$ 745,090
	Cumulative Reserve Total		$ 117,891	$ 246,483	$ 377,648	$ 511,436	$ 647,899
	Total Cash Balance Including Reserves	**$ 36,961**	**$ 266,809**	**$ 519,890**	**$ 778,149**	**$ 1,087,980**	**$ 1,392,989**

CASH FLOW PROJECTION

School Name: MATTIE Academy of Change Charter School

Operating Years: Year 1 - Year 3

Time Period:

Enter Data in Yellow Boxes
Automatically Generated
Please Leave Gray Boxes Empty

Note: Your Fundraising, Grants, Local Revenue, and Loan Financing has not been automatically entered into this worksheet as each school will expect to receive this revenue at different times of the year. The amount you've allocated in your planning budg

Year 1 of Operations

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Accrued Year 1	Total
BEGINNING CASH	$ 36,961	$ 89,080	$ 373,705	$ 373,719	$ 1,168,268	$ 943,057	$ 300,965	$ 692,107	$ 432,117	$ 247,640	$ 1,083,297	$ 844,536	$ 593,724	
REVENUE														
Revenue Limit Sources														
General Purpose Entitlement Block Grant - State Aid Portion				$ 936,382			$ 660,976		$ -	$ 1,156,708	$ -	$ -	$ -	$ 2,754,066
General Purpose Entitlement - Local Revenue (In Lieu of Property Tax)		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Federal Revenue														
Child Nutrition				$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 37,753	$ 377,528
Other Federal Revenue		$ 300,000							$ -		$ -		$ -	$ 300,000
Other State Revenue														
Categorical Block Grant			$ 65,688			$ 46,368			$ 27,048	$ 13,524	$ 13,524	$ 13,524	$ 13,524	$ 193,200
Special Education Local Plan Area (SELPA)			$ 28,542.15						$ 28,542.15					$ 57,084
California Lottery (quarterly)														
Class Size Reduction			$ -			$ -			$ -	$ -	$ -	$ -	$ -	$ -
Economic Impact Aid			$ 59,601			$ 42,071			$ 24,542	$ 12,271	$ 12,271	$ 12,271	$ 12,271	$ 175,298
All Other State Revenues				$ 29,436	$ 7,368	$ 27,457	$ 12,745	$ 11,280	$ 6,716	$ 6,716	$ 6,716	$ 5,971		$ 114,405
Other Local Revenue														
Transfers from LEAS	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Interest	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Fundraising ($00.00 in budget)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Grants ($400,000.00 in budget)	$ -	$ -	$ 250,000	$ 100,000	$ 50,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 400,000
All Other Local Revenue ($625,432.50 in budget)	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119	$ 52,119		$ 625,433
Loan Financing (e.g. Charter School Revolving Loan)	$ -	$ -	$ 250,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 250,000
TOTAL REVENUE	$ 52,119	$ 352,119	$ 705,951	$ 1,155,691	$ 147,240	$ 205,769	$ 763,593	$ 101,152	$ 176,719	$ 1,279,090	$ 122,383	$ 121,638	$ 63,548	$ 5,247,012
DISBURSEMENTS														
1000 Certificated Salaries	$ -	$ -	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 143,324	$ 1,576,560
2000 Classified Salaries	$ -	$ -	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 48,200	$ 530,195
3000 Employee Benefits	$ -	$ -	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 57,006	$ 627,071
4000 Books and Supplies	$ -	$ -	$ 324,471	$ -	$ -	$ 486,707	$ -	$ -	$ -	$ -	$ -	$ -		$ 811,178
5000 Services and Other Operating Expenditures	$ -	$ 57,670	$ 102,789	$ 102,789	$ 114,097	$ 102,789	$ 114,097	$ 102,789	$ 102,789	$ 114,097	$ 102,789	$ 114,097		$ 1,130,792
6000 Capital Outlay	$ -	$ -	$ 32	$ -	$ -	$ 11	$ -	$ -	$ 54	$ -	$ -	$ -		$ 97
7000 Other Outgo	$ -	$ -	$ 20,290	$ -	$ -	$ -	$ -	$ -	$ -	$ 70,982	$ -	$ -		$ 91,272
TOTAL EXPENDITURES	$ -	$ 57,670	$ 696,112	$ 351,319	$ 362,627	$ 838,036	$ 362,627	$ 351,319	$ 351,372	$ 433,609	$ 351,319	$ 362,627	$ 248,530	$ 4,767,164
REVENUE LESS EXPENDITURES	$ 52,119	$ 294,449	$ 9,839	$ 804,372	$ (215,387)	$ (632,267)	$ 400,966	$ (250,166)	$ (174,653)	$ 845,481	$ (228,936)	$ (240,988)	$ (184,982)	$ 479,848
Reserve Requirement		$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 9,824	$ 117,891
NET INCREASE (DECREASE)	$ 52,119	$ 284,625	$ 15	$ 794,548	$ (225,211)	$ (642,091)	$ 391,142	$ (259,990)	$ (184,477)	$ 835,657	$ (238,760)	$ (250,812)	$ (194,806)	$ 361,957
CASH BALANCE	$ 89,080	$ 373,705	$ 373,719	$ 1,168,268	$ 943,057	$ 300,965	$ 692,107	$ 432,117	$ 247,640	$ 1,083,297	$ 844,536	$ 593,724	$ 398,918	**$ 398,918**
CASH BALANCE WITH RESERVES	$ 89,080	$ 383,529	$ 393,368	$ 1,197,740	$ 982,354	$ 350,086	$ 751,053	$ 500,886	$ 326,233	$ 1,171,715	$ 942,779	$ 701,791	$ 516,808	**$ 516,808**

Cash Flow Projection – Year 2

Year 2 of Operations MATTIE Academy of Change

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Accrued Year 2	Total
BEGINNING CASH	**$ 398,918**	**$ 457,617**	**$ 844,467**	**$ 788,695**	**$ 721,510**	**$ 642,234**	**$ 568,418**	**$ 484,583**	**$ 365,771**	**$ 719,512**	**$ 652,370**	**$ 691,276**	**$ 639,003**	
REVENUE														
Revenue Limit Sources														
General Purpose Entitlement Block Grant - State Aid Portion		$ 163,592	$ 327,183	$ 218,122	$ 218,122	$ 218,122	$ 218,122	$ 218,122	$ 521,309	$ 260,655	$ 260,655	$ 260,655	$ 42,533	$ 2,927,190
General Purpose Entitlement - Local Revenue (In Lieu of Property Tax)	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565	$ 2,565		$ 30,776
Federal Revenue														
Child Nutrition				$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 40,560	$ 405,603
Other Federal Revenue		$ -							$ 125,920		$ 125,920		$ 62,960	$ 314,799
Other State Revenue														
Categorical Block Grant		$ 11,592	$ 23,184	$ 15,456	$ 15,456	$ 15,456	$ 15,456	$ 15,456	$ 53,820	$ 26,910	$ 26,910	$ 26,910	$ 11,454	$ 258,060
Special Education Local Plan Area (SELPA)			$ 29,112.99						$ 29,112.99					$ 58,226
California Lottery (quarterly)			$ 15,396			$ 15,396			$ 15,396			$ 15,396		$ 61,583
Class Size Reduction		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Economic Impact Aid		$ 10,518	$ 21,036	$ 14,024	$ 14,024	$ 14,024	$ 14,024	$ 14,024	$ 32,547	$ 16,274	$ 16,274	$ 16,274	$ 2,250	$ 185,291
All Other State Revenues				$ 29,436	$ 7,368	$ 7,368	$ 12,745	$ 11,280	$ 6,716	$ 6,716	$ 6,716	$ 26,061		$ 114,405
Other Local Revenue														
Transfers from LEAS	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Interest	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445	$ 445		$ 5,336
Fundraising ($00.00 in budget)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Grants ($250,000.00 in budget)	$ -	$ 250,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 250,000
All Other Local Revenue ($668,277.50 in budget)	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690	$ 55,690		$ 668,278
Loan Financing (e.g. Charter School Revolving Loan) ($00.00 in budget)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
TOTAL REVENUE	**$ 58,699**	**$ 494,401**	**$ 474,610**	**$ 376,298**	**$ 354,229**	**$ 369,625**	**$ 359,606**	**$ 358,142**	**$ 884,080**	**$ 409,813**	**$ 535,733**	**$ 444,555**	**$ 159,756**	**$ 5,279,546**
DISBURSEMENTS														
1000 Certificated Salaries	$ -	$ -	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 151,012	$ 1,661,131
2000 Classified Salaries	$ -	$ -	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 51,436	$ 565,799
3000 Employee Benefits	$ -	$ -	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 60,983	$ 670,812
4000 Books and Supplies	$ -	$ 86,899	$ 130,348	$ 43,449	$ 43,449	$ 43,449	$ 43,449	$ 86,899	$ 130,348	$ 86,899	$ 86,899	$ 86,899		$ 868,989
5000 Services and Other Operating Expenditures	$ -	$ -	$ 115,907	$ 115,907	$ 115,907	$ 115,907	$ 115,907	$ 115,907	$ 115,907	$ 115,907	$ 115,907	$ 115,907		$ 1,159,073
6000 Capital Outlay	$ -	$ -	$ 44	$ 44	$ 1	$ 1	$ 1	$ -	$ 1	$ 1	$ 3	$ 1		$ 97
7000 Other Outgo	$ -	$ 9,936	$ 9,936	$ 9,936	$ -	$ 9,936	$ 9,936	$ -	$ 9,936	$ -	$ 19,871	$ 19,873		$ 99,358
TOTAL EXPENDITURES	**$ -**	**$ 96,834**	**$ 519,666**	**$ 432,767**	**$ 422,789**	**$ 432,724**	**$ 432,724**	**$ 466,237**	**$ 519,623**	**$ 466,238**	**$ 486,112**	**$ 486,112**	**$ 263,431**	**$ 5,025,259**
REVENUE LESS EXPENDITURES	$ 58,699	$ 397,566	$ (45,056)	$ (56,470)	$ (68,560)	$ (63,100)	$ (73,118)	$ (108,096)	$ 364,456	$ (56,425)	$ 49,621	$ (41,557)	$ (103,675)	$ 254,287
Reserve Requirement		$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 10,716	$ 128,593
NET INCREASE (DECREASE)	**$ 58,699**	**$ 386,850**	**$ (55,772)**	**$ (67,186)**	**$ (79,276)**	**$ (73,816)**	**$ (83,835)**	**$ (118,812)**	**$ 353,740**	**$ (67,141)**	**$ 38,905**	**$ (52,273)**	**$ (114,391)**	**$ 125,694**
CASH BALANCE	$ 457,617	$ 844,467	$ 788,695	$ 721,510	$ 642,234	$ 568,418	$ 484,583	$ 365,771	$ 719,512	$ 652,370	$ 691,276	$ 639,003	$ 524,612	**$ 524,612**
CASH BALANCE WITH RESERVES	$ 575,508	$ 973,074	$ 928,018	$ 871,548	$ 802,989	$ 739,889	$ 666,770	$ 558,674	$ 923,131	$ 866,706	$ 916,327	$ 874,770	$ 771,095	**$ 771,095**

Cash Flow Projection – Year 3

Year 3 of Operations	MATTIE Academy of Change													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Accrued Year 3	Total
BEGINNING CASH	$ 524,612	$ 578,898	$ 1,018,037	$ 1,011,362	$ 950,465	$ 820,148	$ 778,801	$ 726,381	$ 668,379	$ 777,225	$ 731,254	$ 829,974	$ 796,029	
REVENUE														
Revenue Limit Sources														
General Purpose Entitlement Block Grant - State Aid	Portion	$ 175,631	$ 351,263	$ 234,175	$ 234,175	$ 234,175	$ 234,175	$ 234,175	$ 507,380	$ 253,690	$ 253,690	$ 253,690	$ 19,515	$ 2,985,734
General Purpose Entitlement - Local Revenue (In Lie	$ 1,774	$ 3,548	$ 2,365	$ 2,365	$ 2,365	$ 2,365	$ 2,365	$ 4,337	$ 2,168	$ 2,168	$ 2,168	$ 2,168		$ 30,159
Federal Revenue														
Child Nutrition				$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 41,570	$ 415,701
Other Federal Revenue		$ -							$ 134,558		$ 134,558		$ 67,279	$ 336,396
Other State Revenue														
Categorical Block Grant		$ 15,484	$ 30,967	$ 20,645	$ 20,645	$ 20,645	$ 20,645	$ 20,645	$ 44,730	$ 22,365	$ 22,365	$ 22,365	$ 1,720	$ 263,221
Special Education Local Plan Area (SELPA)			$ 29,695.25						$ 29,695.25					$ 59,391
California Lottery (quarterly)			$ 16,451			$ 16,451			$ 16,451			$ 16,451		$ 65,805
Class Size Reduction		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Economic Impact Aid		$ 11,117	$ 22,235	$ 14,823	$ 14,823	$ 14,823	$ 14,823	$ 14,823	$ 32,806	$ 16,403	$ 16,403	$ 16,403	$ 1,580	$ 191,064
All Other State Revenues				$ 29,436	$ 7,368	$ 7,368	$ 12,745	$ 11,280	$ 6,716	$ 6,716	$ 6,716	$ 26,061		$ 114,405
Other Local Revenue														
Transfers from LEAS	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Interest	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866	$ 866		$ 10,398
Fundraising ($00.00 in budget)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
Grants ($250,000.00 in budget)	$ -	$ 250,000	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ 250,000
All Other Local Revenue ($668,344.88 in budget)	$ 51,645	$ 55,695	$ 55,695	$ 55,695	$ 55,695	$ 55,695	$ 55,695	$ 55,695	$ 55,690	$ 55,690	$ 55,690	$ 55,690		$ 664,272
Loan Financing (e.g. Charter School Revolving Loan	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -		$ -
TOTAL REVENUE	$ 54,286	$ 512,342	$ 509,539	$ 399,577	$ 377,508	$ 393,960	$ 382,885	$ 383,392	$ 872,632	$ 399,468	$ 534,027	$ 435,266	$ 131,664	$ 5,386,546
DISBURSEMENTS														
1000 Certificated Salaries	$ -	$ -	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 154,032	$ 1,694,354
2000 Classified Salaries	$ -	$ -	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 52,465	$ 577,115
3000 Employee Benefits	$ -	$ -	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 62,470	$ 687,174
4000 Books and Supplies	$ -	$ 62,185	$ 62,185	$ 62,185	$ 109,534	$ 37,015	$ 37,015	$ 17,767	$ 355,342	$ 37,015	$ 37,015	$ 70,979		$ 888,236
5000 Services and Other Operating Expenditures	$ -	$ -	$ 118,392	$ 118,392	$ 118,392	$ 118,392	$ 118,392	$ 118,392	$ 118,410	$ 118,392	$ 118,392	$ 118,332		$ 1,183,880
6000 Capital Outlay	$ -	$ 88	$ -	$ -	$ 1	$ 1	$ 1	$ 1	$ 1	$ 1	$ 1	$ 2		$ 97
7000 Other Outgo	$ -	$ -	$ 55,739	$ -	$ -	$ -	$ -	$ 25,336	$ 10,134	$ 10,134	$ -	$ -		$ 101,343
TOTAL EXPENDITURES	$ -	$ 62,272	$ 505,283	$ 449,545	$ 496,895	$ 424,376	$ 424,376	$ 430,464	$ 752,855	$ 434,510	$ 424,376	$ 458,281	$ 268,968	$ 5,132,199
REVENUE LESS EXPENDITURES	$ 54,286	$ 450,070	$ 4,256	$ (49,967)	$ (119,387)	$ (30,416)	$ (41,490)	$ (47,071)	$ 119,777	$ (35,041)	$ 109,651	$ (23,016)	$ (137,303)	$ 254,347
Reserve Requirement		$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 10,930	$ 131,165
NET INCREASE (DECREASE)	$ 54,286	$ 439,140	$ (6,675)	$ (60,898)	$ (130,317)	$ (41,346)	$ (52,421)	$ (58,002)	$ 108,846	$ (45,972)	$ 98,721	$ (33,946)	$ (148,234)	$ 123,183
CASH BALANCE	$ 578,898	$ 1,018,037	$ 1,011,362	$ 950,465	$ 820,148	$ 778,801	$ 726,381	$ 668,379	$ 777,225	$ 731,254	$ 829,974	$ 796,029	$ 647,795	$ 647,795
CASH BALANCE WITH RESERVES	$ 825,381	$ 1,275,451	$ 1,279,707	$ 1,229,739	$ 1,110,353	$ 1,079,937	$ 1,038,447	$ 991,375	$ 1,111,152	$ 1,076,110	$ 1,185,762	$ 1,162,746	$ 1,025,443	$ 1,025,443

APPENDIX G-1: Instructional Strategies

EXEMPLARY COMPUTER-ENHANCED SUPPORT

Computers have been in schools for a long time. While some teachers have integrated computers into the classroom successfully many others have not achieved that or have not used them at all. Technology assessment reports indicate that computers have often been used by teachers as a replacement for existing tools, such as books and chalkboards, or the only instructional medium to teach rather than an alternative medium through which different tasks might be performed and different objectives might be achieved. From this perspective, the insufficient computer-based applications drive the curriculum in the classroom.

However, in the designing alternative school systems, the vision of classroom instruction should be changed and computers should play an important role in this change process. It is our perception that computers have to be integrated into curriculum; namely, the curriculum should drive technology usage.

In MATTIE Academy, the computer technology will become a prominent part of the classroom; the teacher will no longer serve as the sole expert with absolute mastery and control of content knowledge and instructional procedures. Instead, with the help of the computer, learning will become more interactive with responsibility shared among teachers and students. The teachers no longer function solely as transmitters of content knowledge. Instead, they become facilitators of learning. Students play a more active role in their own learning.

Thinking differently from many other schools MATTIE Academy will look at the technology integration from a broader perspective and promote the use of computers in the classroom whenever and however it is appropriate and efficient. More specifically, through our exemplary computer integration we will achieve the following:

- Students in MATTIE Academy will use computers to design their own products. Schools have to generate creative people. Students in MATTIE Academy will use the capabilities of computers, such as word-processing, database, spreadsheets, presentation and graphic software, to create high quality homework and class work, so that they will be able to better accomplish tasks and express their ideas with different illustrations and demonstrations to teachers as well as their classmates
- Students in MATTIE Academy will explore instructional programs on their own. In our opinion, a teacher should not be the only information source in the classroom. Today there are many interactive computer software programs very well designed to teach the objectives that MATTIE Academy wants to teach. Our students will use and explore appropriate instructional software programs in or out of the classroom to expand their knowledge and skills, and have a better grasp on the objectives in specific areas or topics.
- Teachers in MATTIE Academy will teach ideas or skills directly from computers. We consider the computer as an educational tool that should be used in the classroom whenever and wherever it fits in the curriculum. Appropriate teachers will use a computer's unique features to combine different mediums, such as sound, animation, color picture, interactivity etc., in one environment so that they will create presentations that are visually appealing to students and capable of illustrating ideas, knowledge and skills from different perspectives.
- Teachers in MATTIE Academy will employ computers to create an alternative teaching environment in the classrooms. A traditional classroom where a teacher

gives lectures and students passively listen to the teacher is not responding to the need of modern and hi-tech society any more. Learning should be active and student-centered, that is, students should actively take a part in the learning process and perform classroom activities by themselves rather than sitting and listening. Also, teachers should be mentoring and coaching students to direct and help them find and use information they need to gain necessary objectives. The computer is a unique tool that helps teachers' design and implement student-centered applications that keep the students active in the learning process.

- Teachers in MATTIE Academy will tailor curriculum to students' individual needs through computers. It is known that not all students in the same classroom are equal. For effective instruction teachers should generate different instructional approaches to different student groups. Using the unique features of computers, teachers in MATTIE Academy will design and implement individualized instructions that eliminate the personal differences among the students for quality instruction.
- Teachers in MATTIE Academy will use computers to create simulations of real life applications. Learning transfer is a critical issue in education. Most of the time students learn abstract knowledge in classroom and are not able to use it in the practical life. Our teachers will employ computers to design and use real life simulation programs that help students apply their knowledge and skills to deal with realistic problems
- Students in MATTIE Academy will develop critical or higher-order thinking skills using computers. The foundation of scientific information is critical thinking, which is collecting data about a problem, analyzing it, considering alternative solutions and applying the most effective solution. Computers are excellent tools to perform the aforementioned tasks to gain the higher-order thinking skill. Our students will learn and apply appropriate computational techniques to collect and analyze data to deal with problems, so that they will be able to produce scientific information.

PROJECT-BASED INSTRUCTION

Project-based learning is an instructional approach to engage students in sustained, cooperative investigation. Within its framework students collaborate, working together to make sense of what is going on. Additionally, project-based instruction emphasizes students' own artifact construction to represent what is being learned.

In project-based instruction, students pursue solutions to nontrivial problems by;

- Asking and refining questions
- Debating ideas
- Making predictions
- Designing plans and/or experiments
- Collecting and analyzing data
- Drawing conclusions
- Communicating their ideas and findings to others
- Asking new questions
- Creating artifacts.

Projects can serve as bridges between phenomena in the classroom and real-life experiences. Questions and answers that arise in daily enterprise are given value and are proven open to systematic inquiry. Three important features of project-based learning are those:

1. Project-based education requires active engagement of students' effort over an extended period of time.
2. Project-based learning also promotes links among subject matter disciplines and presents an expanded, rather than narrow, view of subject matter.
3. Projects are adaptable to different types of learners and learning situations

There are two essential components of projects:

- A driving question or problem that serves to organize and drive activities, which taken as a whole amount to a meaningful project.
- Culminating product(s) or multiple representations as a series of artifacts, personal communication, or consequential task that meaningfully addresses the driving question.

MATTIE Academy will facilitate project-based instruction in the classroom with:

- A "driving question" that is anchored in a real-world problem and ideally uses multiple content areas.
- Opportunities for students to make active investigations that enable them to learn concepts, apply information, and represent their knowledge in a variety of ways.
- Collaboration among students, teachers, and others in the community so that knowledge can be shared and distributed between the members of the "learning community".
- The use of cognitive tools in learning environments that support students in the representation of their ideas: cognitive tools such as computer-based laboratories, hypermedia, graphing applications, and telecommunications.

CONTEXTUAL LEARNING (REAL-LIFE CONTEXT)

According to constructivist learning theory, learning occurs when students process new information or knowledge in such a way that it makes sense to them in their frame of reference. This approach to learning and teaching assumes that the mind naturally seeks meaning in context where the person is located and that makes sense and appears useful. In contextual learning students carry out activities and solve problems in a way that reflects the nature of such tasks in the real world.

Because knowledge is better transferred when it is embedded in a more general understanding of its entire structure and contextualized into the content familiar to the learner, MATTIE Academy will rethink curriculum and instruction under the light of contextual learning. Whenever appropriate, MATTIE Academy will modify traditional methods and disciplines to teach material in meaningful contexts. More specifically in designing real-life context in the classrooms:

- Artificial distinctions between actual applications and academic studies will be eliminated
- Students will be provided with hands-on experiences in which they learn about and

participate in workplaces

- New teaching strategies and instructional principles will be designed and implemented based on the notion that teacher is no longer the presenter of information and the textbook is not the only information sources in the classroom. The instructional principles can be articulated as follow (but not limited to those):
  1. anchor all learning activities to a larger task,
  2. support the learner in developing ownership of the task,
  3. design an authentic task,
  4. design the task to reflect the complexity of the environment the learner will face
  5. support and challenge the learner's thinking,
  6. encourage testing ideas against alternative views and alternative contexts, and
  7. provide opportunity for reflection on the content learned and the learning process (Savery & Duffy, 1995).

DIRECT INSTRUCTION

Direct instruction, the classical teaching method, is based on the notion that learning can be facilitated through clear instructional presentations that rule out likely misinterpretations and facilitate generalizations. As a teaching strategy, it is a systematic and highly structured instructional process that focuses on teaching and practicing basic skills and knowledge to prepare students to advance to higher-order skills. Some key components of this process are scripted lesson plan that is evaluated and revised, curriculum designed to build new skills on previous learned ones and group sessions where teacher and students interact.

It is our empirical finding that through direct instruction, students learn and master information at the knowledge level, rather than the application level, in an extremely efficient and very cost-effective manner. Under the light of this finding, FSA Middle School will adopt an effective direct instruction module to teach students introductory and fundamental skills and knowledge. More specifically, our one unit direct instruction module will involve the following activities:

- Motivating Learners: Gaining learners' attention and maintaining that attention throughout the lesson.
- Informing Students of Objectives: Telling learners what they are about to learn.
- Helping Students Recall Prerequisites: Helping students retrieve memories that are necessary or helpful in achieving new objectives and make sense of new information to relate it to something they already know or something already experienced.
- Presenting Information and Examples: Stating, describing and explaining information that learners will be learning, presenting relevant examples.
- Providing Practice and Feedback: Giving learners adequate, relevant practice and corrective feedback.
- Summarizing Lesson: End lesson with some type of summary to bring closure to the lesson.

APPENDIX G-2: Professional Development Calendar

Month	Professional Development Topics
July	Building Blocks, What the Researchers say about Improving School Performance
	Characteristics of High Performance Schools
	Block Schedule Format and Team Teaching Approach
	Seven Attributes of Good Governance & Management
	Practices that Support high levels of achievement for all students and high performance levels for educators
	Strong Leadership, Develop & empower Teacher Leaders and Parents as Leaders
August	Analysis of Test Data
	School wide Achievement Plan
	Data Driven Instruction
September	7-Step Lesson Plan – How do you Model?
	Response to Interactive 3-Tier Model
	Collaboration between Special Education & General Ed Teachers
	Creative Connections with Students
	Hands-on Collaboration Projects
	Brain Based Learning
	Assessing Standards/Benchmarks
	Bloom's Taxonomy for Learning, Teaching & Assessing
October	Data Analysis (AYP & API)
	Individual Student Plan & Assessment Priorities
	SST/Section 504 & IEP Process
November	Data Analysis (CST & CAHSEE)
	ELL Standards & SADIE Strategies
	Learning Styles & Differentiated Instruction (Effective Grouping)
	Joyce Epstein's Six Models of Parent Involvement
December	Discovery Based Learning
	Universal Designed Classroom
January	Multiple Assessments
	Raising Standardized Test Scores in English
	Modifications for Special Needs Students
February	ELL Reclassification
	English Language Development Standards
	Standard Assessment Tasks
	Scores in Mathematics
	Benchmark Assessment
March	Test Taking Strategies Part I
	STAR In Service
	STAR Writing Assessment
April	Grade Level Data Analysis
	Multiple Assessments to Measure Student Progress
May	Grade Level Strategic Goals & Objectives
June	End of Year Planning/Goal Setting 2012-2013
	Benchmark Assessments

APPENDIX G-3: Instructional School Calendar

Pupil Free Days Friday, August 12, 2011 and Monday, June 4, 2012

If a school selects Monday, January 9, 2012 as a Pupil Free Day, then Monday, June 4, 2012 becomes an Instructional Day

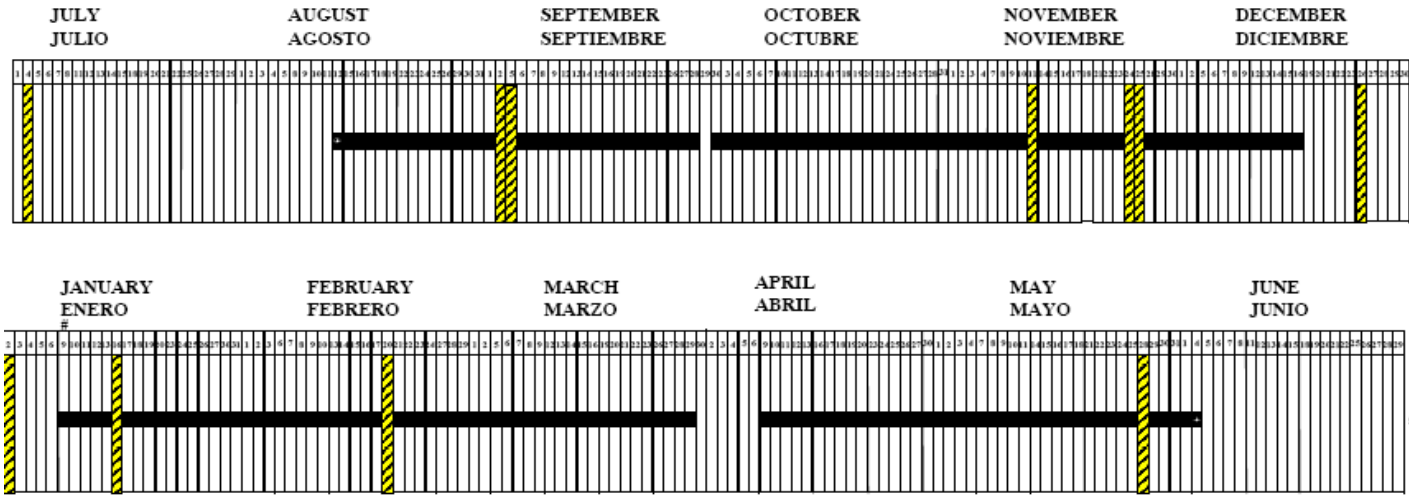
LOS ANGELES UNIFIED SCHOOL DISTRICT
DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES

HOLIDAY
DIA DE FIESTA

DATE
10/18/2010

TENTATIVI

SINGLE TRACK INSTRUCTIONAL SCHOOL CALENDAR 2011-2012
CICLO UNICO CALENDARIO ESCOLAR DE INSTRUCCIÓN



IMPORTANT DATES:

07-04-2011	Independence Day	11-11-2011	Veterans Day	03-30-2012	Cesar E. Chavez Day
08-12-2011	Pupil Free Day	11-24 & 11-25-2011	Thanksgiving Holiday		Observed, Unassigned Day
08-15-2011	First Day of Instruction	12-19-2011 thru 01-06-2012	Winter Recess	04-02 thru 04-06-2012	Spring Recess
09-02-2011	Admissions Day	01-16-2012	Dr. Martin L. King, Jr.'s Birthday Observed	05-28-2012	Memorial Day Observed
09-05-2011	Labor Day	# 01-09-2012	Second Semester Begins	06-01-2012	Last Day of Instruction
09-29-2011	Unassigned Day	02-20-2012	Presidents' Day	* 06-04-2012	Pupil Free Day

School Management Services

APPENDIX G-4: Curriculum Development Timeline

TIMELINE OF CURRICULA

MATTIE'S ACADEMY ADMINISTRATORS AND DIRECTORS WILL PERFORM THE FOLLOWING PREPARATIONS FOR THE SUCCESSFUL OPENING OF THE SCHOOL IN SEPTEMBER 2011.

In order to open the school on September 6, 2011, the school will begin the design of the Instructional Program during the months of *May through July 2011* as follows with emphasis on the Core Subjects Math/Algebra/Geometry; Language Arts; Social Studies; Science:

- Recruit teachers for each grade level and subject
- Purchase State Adopted Textbooks for each Core Subject and Supplemental Learning Textbooks and/or Programs
- Identify Content Standards and Key Concepts for each subject
- Identify Assessment Instruments for each subject/grade level – ongoing assessment
- PD – Each grade level will meet, collaborate, and prepare a Handbook and Syllabus for their subject/grade level
- PD – Identify Instructional Strategies: Special Modifications for Special Needs Students; Differentiated Instruction for Advanced Learners; Instructional Program for English Learners (SDAIE strategies)
- Identify Technology programs that align with each subject that scaffolds students' learning-academic progress
- Develop curriculum guides, identify assessment instruments

May–July: Meet with Community collaborative educational satellites to discuss strategies, time tables etc, (CEO, Dr. Denice Price, Principal, Erik McKee)

June-July: Review student information and data, complete Master Schedule, Hire all teachers and support staff, assign teachers per credential and subject area qualified to teach. (Persons responsible - Principal, Erik Mckee, Dr. Greta Price, Assistant Principal, Mary Zavala, ELL Counselor

June-July: Analyze and disaggregate test data (Principal, Erik McKee, Dr. Greta Price, Counselors, Teachers)

July-Sept: Review CST scores/records of students, complete student schedules, enrollment of students based on test data and Other relative information (Counselors)

A Teachers Handbook for each Subject by Grade Level during the following months will be created to support each teacher's delivery of MATTIE'S Instructional Program. Teachers, Directors and Administrators will collaborate as a Team to create, design an Instructional Program that focuses on student achievement and school-wide pride of the school's Mission Statement and Vision.

MONTH/PD	**TEXTBOOKS**	**CONTENT STANDARDS**	**TECHNOLOGY PROGRAMS**
JUN-JUL 2011 – Recruit Teachers	Prepare a list of State adopted textbooks to select	Provide the California State Frameworks for each Subject	Identify computer programs that the school can select
JUNE 2011 – **6TH/7TH/ 8TH Grade** Meet and collaborate to design Teacher Subject Handbook	Select textbook for each subject	Create a Chart of Content Standards and Objectives for each subject	Select computer programs that will scaffold student learning
JULY 2011 – 9TH/10TH Grade Meet and collaborate to design Teacher Subject Handbook	Select textbook for each subject	Create a Chart of Content Standards and Objectives for each subject	Select computer programs that will scaffold student learning
JULY 2011– 11TH/12TH Grade Meet and collaborate to design Teacher Subject Handbook	Select textbook for each subject	Create a Chart of Content Standards and Objectives for each subject	Select computer programs that will scaffold student learning
AUG 29 – SEPT 2 PD Meetings– Welcoming New Staff/Teachers, School Opening Procedures, Policies, Academic Expectations, Friendly School Culture			

APPENDIX G-5: Implementation Plan

MATTIE ACADEMY IMPLEMENTATION PLAN

PROPOSAL ELEMENT *What element of your proposal program will be implemented?*	TIMELINE *In what year will you implement this element of your proposal?*	RESPONSIBILITY *Who will lead the implementation of this element?*	RESOURCES *What resources are needed for a successful implementation?*	EVIDENCE OF SUCCESS *How will you know you are making progress post-implementation?*	EVALUATION PROCESS *What mechanisms will you use to measure progress?*
SITE	Start-up	CEO	COLLABORATING W/LAUSD	RECEIVE CERTIFICATE OF OCCUPANCY	SURVEYS
ADMINISTRATION	Start-up	CEO & BUS MGMT SVCS	COLLABORATING W/BOARD	ADMINISTRATION OF POLICIES & PROCEDURES	STAFF SURVEYS, EVALUATIONS
EDUCATIONAL/ OPERATIONS	Start-up	PRINCIPAL & BUS MGMT SVCS	COLLABORATING W/BOARD	ADMINISTRATION OF EDUCATION, PROGRAMS & OPERATIONS	STUDENT/PARENT SURVEYS, TESTIMONIALS, RANDOM SAMPLE TESTS STUDENTS
ADMISSIONS/ ENROLLMENT	Start-up	PRINCIPAL & BUS MGMT SVCS	COLLABORATING W/LAUSD & COMMUNITY	STUDENT ENROLLMENT, TESTIMONIALS	STUDENT/PARENT SURVEYS, TESTIMONIALS
STAFFING	Start-up	CEO & PRINCIPAL	COLLABORATING W/LAUSD & BUS MGMT SVCS	STAFF HIRED STAFF PROF DEV TRAINING & EVALUATIONS	DAILY/WEEKLY OBSERVATIONS W/NOTES, INTERACTION W/STAFF & PROGRESS REPORTS
FINANCIAL MANAGEMENT	Start-up	CEO & BUS MGMT SVCS	COLLABORATING W/LAUSD & PRINCIPAL	PROCEDURES IMPLEMENTED	INTERNAL/EXTERNAL FINANCIAL REPORTS, ANNUAL AUDIT

PROPOSAL ELEMENT *What element of your proposal program will be implemented?*	**TIMELINE** *In what year will you implement this element of your proposal?*	**RESPONSIBILITY** *Who will lead the implementation of this element?*	**RESOURCES** *What resources are needed for a successful implementation?*	**EVIDENCE OF SUCCESS** *How will you know you are making progress post-implementation?*	**EVALUATION PROCESS** *What mechanisms will you use to measure progress?*
SPECIAL EDUCATION	Start-up	PRINCIPAL	COLLABORATING W/LAUSD & COMMUNITY	STAFF PROF DEV TRAINING & EVALUATIONS	STUDENT/PARENT SURVEYS, TESTIMONIALS, RANDOM SAMPLE TESTS STUDENTS
INSTRUCTIONAL PROGRAM	Start-up	PRINCIPAL	ALL STAKEHOLDERS (Teachers, Parents, Partners, Community)	STAFF PROF DEV TRAINING & EVALUATIONS STUDENT PROGRESS REPORT	CAHSEE & CST SCORES, PARENT SURVEYS
FOOD SERVICE	Start-up	CEO & BUS MGMT SVCS	COLLABORATING W/LAUSD	PROCEDURES IMPLEMENTED	SURVEYS, TESTIMONIALS, RANDOM SAMPLE TESTS STUDENTS
HEALTH & SAFETY	Start-up	CEO & Principal	COLLABORATING W/LAUSD & BUS MGMT SVCS	PROCEDURES IMPLEMENTED	SURVEYS, TESTIMONIALS, RANDOM SAMPLE TESTS STUDENTS
GOVERNANCE	Start-up	CEO	COLLABORATING W/BOARD, TRAINERS, & COMMUNITY	VARIOUS COMMITTEES ARE FORMED	INVOLVEMENT IN PROJECT ACTIVITIES
PARENT INVOLVEMENT	Start-up	CEO & PRINCIPAL	COLLABORATING W/PARENTS, TRAINERS	PARENT TRAINING & WORKSHOPS,	PARENTS ACTIVELY ENGAGED IN ALL ASPECTS OF SCHOOL

PROPOSAL ELEMENT *What element of your proposal program will be implemented?*	**TIMELINE** *In what year will you implement this element of your proposal?*	**RESPONSIBILITY** *Who will lead the implementation of this element?*	**RESOURCES** *What resources are needed for a successful implementation?*	**EVIDENCE OF SUCCESS** *How will you know you are making progress post-implementation?*	**EVALUATION PROCESS** *What mechanisms will you use to measure progress?*
COMMUNITY SERVICE	Start-up	CEO	COLLABORATING W/COMMUNITY PARTNERS	STUDENT ENROLLMENT	STUDENT/PARENT SURVEYS, TESTIMONIALS
COLLEGE OUTREACH	Start-up	PRINCIPAL	COLLABORATING W/VARIOUS COLLEGES	STUDENT ENROLLMENT	STUDENT/PARENT SURVEYS, TESTIMONIALS
INSTRUCTIONAL PROGRAM	YEAR-2	PRINCIPAL	COLLABORATING W/GOVERNANCE COUNCIL	STAFF PROF DEV TRAINING & EVALUATIONS	STUDENT/PARENT SURVEYS, TESTIMONIALS, RANDOM SAMPLE TESTS STUDENTS
FINANCIAL MANAGEMENT	YEAR-2	BUS MGMT SVCS	COLLABORATING W/CEO & PRINCIPAL	FUNDING FOR EXPENDITURES	INTERNAL/EXTERNAL FINANCIAL REPORTS, ANNUAL AUDIT
WACS Accreditation	YEAR-2	CEO	COLLABORATING W/PRINCIPAL	WACS SCHOOL VISIT	ACCREDITATION
INSTRUCTIONAL PROGRAM	YEAR-3	PRINCIPAL	COLLABORATING W/GOVERNANCE COUNCIL	STAFF PROF DEV TRAINING & EVALUATIONS	STUDENT/PARENT SURVEYS, TEST SCORES
FINANCIAL MANAGEMENT	YEAR-3	BUS MGMT SVCS	COLLABORATING W/CEO & PRINCIPAL	FUNDING FOR EXPENDITURES	INTERNAL/EXTERNAL FINANCIAL REPORTS, ANNUAL AUDIT
INSTRUCTIONAL PROGRAM	YEAR-4	PRINCIPAL	COLLABORATING W/GOVERNANCE COUNCIL	STAFF CHANGES, STUDENT ENROLLMENT	STUDENT/PARENT SURVEYS, TEST SCORES
FINANCIAL MANAGEMENT	YEAR-4	BUS MGMT SVCS	COLLABORATING W/CEO & PRINCIPAL	FUNDING FOR EXPENDITURES	INTERNAL/EXTERNAL FINANCIAL REPORTS, ANNUAL AUDIT

PROPOSAL ELEMENT *What element of your proposal program will be implemented?*	**TIMELINE** *In what year will you implement this element of your proposal?*	**RESPONSIBILITY** *Who will lead the implementation of this element?*	**RESOURCES** *What resources are needed for a successful implementation?*	**EVIDENCE OF SUCCESS** *How will you know you are making progress post-implementation?*	**EVALUATION PROCESS** *What mechanisms will you use to measure progress?*
INSTRUCTIONAL PROGRAM	YEAR-5	PRINCIPAL	COLLABORATING W/LAUSD & COMMUNITY	STAFF CHANGES, STUDENT ENROLLMENT	STUDENT/PARENT SURVEYS, TEST SCORES
STRATEGIC PLANNING	YEAR-5	CEO	COLLABORATING W/PRINCIPAL & LAUSD	SCHOOL-WIDE ASSESSMENTS	TEST SCORES, ANNUAL AUDITS
FINANCIAL MANAGEMENT	YEAR-5	BUS MGMT SVCS	COLLABORATING W/CEO & PRINCIPAL	FUNDING FOR EXPENDITURES	INTERNAL/EXTERNAL FINANCIAL REPORTS, ANNUAL AUDIT

APPENDIX H: Demographics

(Surrounding Schools Data)
DEMOGRAPHIC INFORMATION FOR PROSPECTIVE SITE

LAUSD SCHOOLS	# of Students	Multi-Track School?	Program Improvement?	Met Schoolwide Growth Target?	Met all Subgroup Growth Targets?	API score	API State Ranking	Similar Schools Rank	% Students Eligible for Free/ Reduced Lunch	% of Special Ed. Students	% of ELL Students	% Major Ethnicity #1	% Major Ethnicity #2	%Major Ethnicity #3
Phineas Banning HS	2,460	No	In PI	Yes	No	613	2	6	71	15	25	90	5	2
Carson HS	2,476	No	In PI	Yes	No	611	2	1	49	10	10	48	23	18

Enrollment by Ethnicity for 2009-10

School Enrollment by Ethnicity

School	Hispanic or Latino of Any Race	American Indian or Alaska Native, Not Hispanic	Asian, Not Hispanic	Pacific Islander, Not Hispanic	Filipino, Not Hispanic	African American, Not Hispanic	White, not Hispanic	Two or More Races, Not Hispanic	Not Reported	Total
Phineas Banning HS	2238	2	6	38	26	104	35	11	0	2,460

Phineas Banning High School Code - 19-64733-1930650
Socio-economically Disadvantaged - 1941
English Learners - 1358
Students with Disabilities - 358
2009 Base API – 613 **2010 Target API** – 622

School	Hispanic or Latino of Any Race	American Indian or Alaska Native, Not Hispanic	Asian, Not Hispanic	Pacific Islander, Not Hispanic	Filipino, Not Hispanic	African American, Not Hispanic	White, not Hispanic	Two or More Races, Not Hispanic	Not Reported	Total
Carson HS	1198	13	52	106	577	424	67	39	0	2,476

Carson High School Code - 19-64733-1931526
Socio-economically Disadvantaged - 1318
English Learners - 619
Students with Disabilities - 223
2009 Base API – 611 **2010 Target API** – 620

2010 Base

School: Annalee Avenue Elementary
LEA: Los Angeles Unified
County: Los Angeles
CDS Code: 19-64733-6015820
School Type: Elementary

	Number of Students Included in 2010 API	Numerically Significant	2010 Base	2010-11 Growth Target	2011 Target
Schoolwide	248		696	5	701
Black or African American	222	Yes	691	5	696
American Indian or Alaska Native	0	No			
Asian	0	No			
Filipino	1	No			
Hispanic or Latino	19	No	740		
Native Hawaiian or Pacific Islander	0	No			
White	2	No			
Two or More Races	4	No			
Socioeconomically Disadvantaged	179	Yes	669	7	676
English Learners	10	No			
Students with Disabilities	26	No	579		

2010 Base

School: Broadacres Avenue Elementary
LEA: Los Angeles Unified
County: Los Angeles
CDS Code: 19-64733-6016117
School Type: Elementary

	Number of Students Included in 2010 API	Numerically Significant	2010 Base	2010-11 Growth Target	2011 Target
Schoolwide	220		706	5	711
Black or African American	213	Yes	705	5	710
American Indian or Alaska Native	0	No			
Asian	0	No			
Filipino	0	No			
Hispanic or Latino	4	No			
Native Hawaiian or Pacific Islander	0	No			
White	2	No			
Two or More Races	1	No			
Socioeconomically Disadvantaged	145	Yes	684	6	690
English Learners	1	No			
Students with Disabilities	30	No	481		

2010 Base

School: Andrew Carnegie Middle
LEA: Los Angeles Unified
County: Los Angeles
CDS Code: 19-64733-6057913
School Type: Middle

	Number of Students Included in 2010 API	Numerically Significant	2010 Base	2010-11 Growth Target	2011 Target
Schoolwide	1347		698	5	703
Black or African American	244	Yes	650	8	658
American Indian or Alaska Native	6	No			
Asian	14	No	823		
Filipino	209	Yes	819	A	A
Hispanic or Latino	736	Yes	682	6	688
Native Hawaiian or Pacific Islander	95	No	660		
White	34	No	647		
Two or More Races	9	No			
Socioeconomically Disadvantaged	989	Yes	686	6	692
English Learners	366	Yes	610	10	620
Students with Disabilities	144	Yes	435	18	453

2010 Base

School: Glenn Hammond Curtiss Middle
LEA: Los Angeles Unified
County: Los Angeles
CDS Code: 19-64733-6066294
School Type: Middle

	Number of Students Included in 2010 API	Numerically Significant	2010 Base	2010-11 Growth Target	2011 Target
Schoolwide	869		650	8	658
Black or African American	502	Yes	641	8	649
American Indian or Alaska Native	2	No			
Asian	3	No			
Filipino	9	No			
Hispanic or Latino	342	Yes	656	7	663
Native Hawaiian or Pacific Islander	5	No			
White	6	No			
Two or More Races	0	No			
Socioeconomically Disadvantaged	660	Yes	645	8	653
English Learners	193	Yes	599	10	609
Students with Disabilities	80	No	393		

2010 Base

School: Carson Senior High
LEA: Los Angeles Unified
County: Los Angeles
CDS Code: 19-64733-1931526
School Type: High

	Number of Students Included in 2010 API	Numerically Significant	2010 Base	2010-11 Growth Target	2011 Target
Schoolwide	2414		640	8	648
Black or African American	407	Yes	586	11	597
American Indian or Alaska Native	14	No	662		
Asian	41	No	795		
Filipino	535	Yes	737	5	742
Hispanic or Latino	1196	Yes	611	9	620
Native Hawaiian or Pacific Islander	104	Yes	597	10	607
White	60	No	678		
Two or More Races	57	No	612		
Socioeconomically Disadvantaged	1371	Yes	634	8	642
English Learners	606	Yes	560	12	572
Students with Disabilities	231	Yes	412	19	431

2010 Base

School: Phineas Banning Senior High
LEA: Los Angeles Unified
County: Los Angeles
CDS Code: 19-64733-1930650
School Type: High

	Number of Students Included in 2010 API	Numerically Significant	2010 Base	2010-11 Growth Target	2011 Target
Schoolwide	2417		645	8	653
Black or African American	89	No	598		
American Indian or Alaska Native	1	No			
Asian	3	No			
Filipino	28	No	756		
Hispanic or Latino	2218	Yes	645	8	653
Native Hawaiian or Pacific Islander	36	No	603		
White	33	No	712		
Two or More Races	9	No			
Socioeconomically Disadvantaged	2024	Yes	647	8	655
English Learners	1286	Yes	581	11	592
Students with Disabilities	380	Yes	425	19	444

APPENDIX I: Other Documents

Resolution from Board of Directors
Resumes for Lead Petitioners
Board of Directors Questionnaires
Resumes for Board Members
Credentials for Interested Teachers
Letters from the Community and Partners
Additional Job Descriptions

Los Angeles Unified School District and Los Angeles County Board of Education Findings for Denial and Petitioner's Responses

Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School (M.A.T.T.I.E.) Charter Petition Findings of Fact for Denial of Petition By the Los Angeles Unified School District

July 12, 2011

The charter review process requires the authorizer to evaluate whether the charter petition meets the criteria for approval. Education Code Section 47605 (b) states the required petition elements and conditions for denial. Education Code Section 47605 outlines additional petition criteria.

The Petition of Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School ("MATTIE" or "Charter School") does not meet the criteria under Education Code section 47605(b).

Education Code section 47605(b) states: A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. Education code section 47605(b) provides that the governing board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings:

(1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.

(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.

(3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.

(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.

(5) The petition does not contain a reasonably comprehensive description of all required elements.

LAUSD's analysis of the charter petition submitted on or about May 16, 2011, to LAUSD by MATTIE indicates:

Regarding #2 above:
The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition:

- The Charter School's budget submitted with its petition contains multiple fiscal problems including:

  (a) The school's start up budget includes the receipt of a Public Charter School Grant in the amount of $600,000. The receipt is projected to be $300,000 prior to the opening of the school. Based on communications with the California Department of Education the state is not accepting applications after March 31, 2011. The school could receive the grant but it would not be until well into the school year before the funds are available. The grant cannot be used as a start up grant.

  (b) The Charter School's proposed budget assumes receipt of "other grants" totaling $1.4 million over a five-year period as well as over $3 million in "other local revenues", without providing details regarding the sources of these funds or evidence that the Charter school will be able to secure allocation from these sources. Since the assumed revenue amounts represent a significant portion of the Charter School's budget, should the Charter School not receive the amount of funds it assumes, its ability to successfully implement its program will be impacted.

  (c) The Charter School's proposed start up budget includes $250,000 from Loan Financing. If this money is from the State of California Charter School Revolving Loan Program the money will not be available for start up expenses. If the revolving loan application is approved the money will not be received until several months into the fiscal year. If the Loan Financing is from a source other than the State of California Charter School Revolving Loan Program, the charter school has submitted no documentation as to the source of the loan.

- The lead petitioners are the same administrative team of a previous MATTIE charter school revoked by Long Beach Unified School District on September 16, 2008 after only one year of operation. The school had a 2008 Base API of just 365. Long Beach Unified School District findings included the following:

  - Only one of MATTIE's teachers was currently credentialed,
  - MATTIE employees were hired and initiated employment without requisite clearances, including one individual with a criminal history that made him ineligible to work with students,
  - MATTIE did not comply with the curriculum requirements of the charter to use current, grade level specific textbooks used by LBUSD. Unaudited actuals showed that MATTIE spent less than $20 per student on textbooks in 2007-2008,
  - The school did not obtain Conditional Use Permits for sites housing students,
  - MATTIE failed to pay large sums to vendors,
  - Unaccounted for loans with unknown terms were made to the CEO and two employees, while at the same time the school was in debt to its teachers for salaries, health benefits, and contributions for work already performed,

- Board minutes and agendas were changed without official action.

The school initially appealed the revocation to the State Board of Education Advisory Commission on Charter Schools but withdrew the appeal on February 10, 2010. California Department of Education staff found that MATTIE submitted rebuttals to only 8 of LBUSD's 27 findings. CDE staff did not find in favor of any of MATTIE's arguments. This information was obtained from the minutes of the February 10, 2010 meeting of the State Board of Education Advisory Commission on Charter Schools.

- On April 5, 2011 the Los Angeles Unified School District Board of Education denied a MATTIE petition that contained multiple inaccuracies, inconsistencies, and substantive deficiencies in certain provisions of its charter petition. For instance, the petition referenced a different inapplicable charter school ("New Hope Academy") multiple times and provides organizational charts that present inconsistent governance structures. The inaccuracies and inconsistencies not only caused LAUSD concern with regard to the lack of diligence that was used in preparing the petition which is intended to control the development and operation of the Charter School, but also called into question the qualifications or experience of those proposing to open and operate the Charter School.

- MATTIE has contracted with EdFutures, a for-profit management company, for the purpose of having EdFutures manage and administer the charter school. Based on the stated relationship between the charter school and EdFutures in the Agreement between the parties, it is not clear to LAUSD whether the MATTIE board of directors itself will actually be operating the charter school. Not only does the management agreement delegate or create the mechanism to delegate all charter school-related operations, management and administrative functions to EdFutures, but it inappropriately gives EdFutures control over areas that should be the responsibility of school site staff and the charter school's governing board (for example, identifying and developing curriculum, and coordinating student assessments).

- MATTIE has failed to submit any documentation/information in or with the petition to evidence EdFuture's past and continued successful management/ administration of charter schools. While EdFutures manages several charter schools in Florida, MATTIE would be the first school that EdFutures will have ever managed In California. This is of particular concern to LAUSD considering that, per the petition and Agreement, EdFutures will have extensive responsibilities critical to the successful continued operation of the charter school.

Regarding #5 above:
The petition does not contain a reasonably comprehensive description of all of the elements required in EC § 47605 (b) based on the following findings of fact:

Description of the School's Educational Program (Element 1)
The petition does not contain a reasonably comprehensive description of the charter school's educational program.

- The petition contains no course descriptions and fails to adequately identify the scope and sequence of courses by grade levels and core content areas to successfully attain realistic school-wide and student achievement progress for the proposed targeted populations.

- The petition fails to name the instructional materials, with the exception of materials for English Language Development that will be used by the students. This is of particular concern as unaudited actuals showed that MATTIE spent less than $20 per student on textbooks in 2007-2008. Page 31 the petition explicitly states that, "The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete." No rationale is provided as why the school would knowingly choose to issue students obsolete textbooks.

- The petition fails to sufficiently describe the nature of the independent study program it mentions on pages 36 and 37. It is not clear what percentage of students will be engaged in independent study at any time and how it will be ensured that these students will be provided a program of adequate academic rigor.

Measurable Pupil Outcomes (Element 2)
The petition does not contain a reasonably comprehensive description of measurable pupil outcomes.

- The petition fails to identify a baseline API target.

Employee Qualifications (Element 5)
The petition does not contain a reasonably comprehensive description of employee qualifications.

- The petition fails to describe procedures it will follow for monitoring teacher credentials.

Health and Safety Procedures (Element 6)
The petition does not contain a reasonably comprehensive description of the charter school's health and safety procedures.

- The petition fails to assure that the Charter School will provide for the screening of its students for vision, hearing and scoliosis to the same extent as would be required if the students were attending a non-charter public school.

- The petition fails to sufficiently assure that the Charter School will require immunization of its students as a condition of school attendance to the same extent as would apply if pupils attended a non-charter public school.

Means to Achieve a Reflective Racial and Ethnic Balance (Element 7)
The petition does not contain a reasonably comprehensive description of the means for achieving racial and ethnic balance.

- The petition fails to describe the specifics of the Charter School's written plan to achieve and maintain LAUSD's ethnic balance ratio goal pursuant to the Crawford Court Order, including dates and locations of meeting and events.

Admission Requirements (Element 8)
The petition does not present a reasonably comprehensive description of admission requirements.

- The petition fails to sufficiently affirm, as required under Education Code section 47605(d)(1), that the Charter School shall not discriminate against any pupil for any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code.

Annual Independent Financial Audits (Element 9)
The petition does not present a reasonably comprehensive description of annual independent financial audits.

- The petition fails to specify who is responsible for contracting and overseeing annual independent financial audits and fails to specify that the auditor whom the Charter School will contract with to conduct an independent audit will have experience in education finance.

- The petition fails to specify the timeline by which audit exceptions will typically be resolved.

Suspension and Expulsion Procedures (Element 10)
The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures.

- The petition fails to provide a reasonably comprehensive description of the Charter School's student discipline procedures necessary to afford the charter school's students adequate due process. Cleary described/outlined procedures are necessary to avoid inconsistent, capricious, and unfair student disciplinary practices and necessary to afford students adequate due process. For instance, the petition confusingly includes offenses for which students will be recommended for suspension and expulsion in its list of offenses for which students may be subject to suspension/expulsion; it fails to sufficiently describe suspension procedures; and fails to provide any description of the Charter School's student expulsion procedures.

- The petition fails to identify the procedures by which parents/guardians and students will be informed about reasons for suspension and expulsion and their corresponding due process rights.

Los Angeles County Office of Education

Leading Educators ▪ Supporting Students ▪ Serving Communities

December 8, 2011

Arturo Delgado, Ed.D.
Superintendent

Los Angeles County Board of Education

Douglas R. Boyd
President

Rudell S. Freer
Vice President

Katie Braude

Gabriella Holt

Maria Reza

Thomas A. Saenz

Rebecca J. Turrentine

Dr. Denice Price
M.A.T.T.I.E. Academy of Change Charter School
17710 Sycamore St.
Carson, CA 90746

Dear Dr. Price:

This letter serves as confirmation of the action taken by the Los Angeles County Board of Education (County Board) on the petition for the M.A.T.T.I.E. (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School.

At its regular meeting held Tuesday, December 6, 2011, the County Board took action to deny the petition for M.A.T.T.I.E. Academy of Change Charter School received on appeal from Los Angeles Unified School District.

Attached is a copy of the approved action taken by the County Board, which constitutes the final order in this matter.

Should you have any questions, please do not hesitate to contact me at (562) 922-8806.

Sincerely,

Janis Isenberg
Project Director III
Charter School Office
Division of Parent and Community Services/Williams Legislation

JI:ls
Attachment

c: Julie Baltazar, Director, Charter Schools Division, CDE
John Deasy, Ph.D., Superintendent, LAUSD
José J. Cole-Gutiérrez, Director, LAUSD
Arturo Delgado, Ed.D., Superintendent, LACOE
Yolanda M. Benitez, Interim Assistant Superintendent, LACOE

APPROVED
LOS ANGELES COUNTY
BOARD OF EDUCATION

DEC 06 2011

BY: AD:RC
Ex Officio Secretary

Board Meeting – December 6, 2011

Item VIII. Recommendations

A. Action on the M.A.T.T.I.E. *(Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School, Grades 6-12* – Appeal of a Petition Previously Denied by Los Angeles Unified School District Board of Education

The Superintendent recommends that the Los Angeles County Board of Education (County Board) adopt the Findings of Fact in the Report and take action to deny the charter petition for MATTIE Academy of Change Charter School received on appeal following denial by Los Angeles Unified School District Board of Education.

California *Education Code* (*EC*) section 47605(b) requires the County Board to evaluate the petition according to the criteria and procedures established in law and may only deny a petition if it provides written findings addressing the reasons for the denial. Per *EC*, denial of a petition is limited to the following reasons:

(1) The charter school presents an unsound educational program

(2) The petitioners are demonstrably unlikely to successfully implement the program

(3) The petition does not contain the required number of signatures

(4) The petition does not contain an affirmation of specified assurances

(5) The petition does not contain reasonably comprehensive descriptions of the 16 required elements of a charter.

The recommendation to deny the MATTIE Academy of Change Charter School petition is in accordance with *EC* section 47605(b) (1), (2), and (5) above.

Summary of Key Findings in support of denial:

Finding 1: The petition presents an **unsound educational program.** The described educational program is not *consistent with sound educational practice likely to be of educational benefit to pupils who attend*:

(1) There is no description of research-based instructional strategies, coursework, or the independent study program, and no outline of instructional materials to be used except "the school will have the flexibility of using any state-adopted textbooks, whether current or obsolete."

(2) The mission statement that the school expects "to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing," [sic] is unclear and could result in a program that will not support the matriculation of English learners, students with disabilities, and other student populations.

(3) There are no details supporting the intention to open "an innovative and progressive learning center," and Academic Course Requirements do not support a program that would prepare students to score in the "top 10% nationally" on standardized exams.

A detailed report of the findings is provided under Finding 5, Element 1 (Educational Program), 2 (Measurable Pupil Outcomes), and Element 3 (Means for Measuring Student Progress), all of which are not reasonably comprehensive.

Finding 2: **The petitioner is unlikely to successfully implement the program.** The petitioners:

- *Have a history of involvement in charter schools that was unsuccessful; the petitioners were associated with a charter school of which the charter was revoked* for fiscal mismanagement in 2008. The Long Beach Unified School District (LBUSD) Board of Education made nine (9) findings that MATTIE engaged in fiscal mismanagement:

  (1) Failure to comply with financial reporting requirements;

  (2) Failure to pay large sums owed to multiple vendors;

  (3) Negative net assets of $909,504 as of May 31, 2008;

  (4) Failure to provide a second interim budget and business plan;

  (5) Failure to pay employee salary and benefits;

  (6) Failure to maintain employee medical benefits;

  (7) Failure to maintain workers compensation insurance;

  (8) Failure to employ credentialed staff; and

  (9) Failure to demonstrate a legitimate budget/business plan for school year 2008-09.

The revocation was appealed to the State Board of Education (SBE), but was withdrawn after being heard by the Advisory Commission on Charter Schools (Commission). The California Department of Education (CDE) report to the Commission found, "...the evidence presented to the SBE... to be substantial, and adequate to support the written factual findings of the Long Beach USD Board's Final Decision. Accordingly, the CDE recommends that the SBE uphold the decision... to revoke the MATTIE charter pursuant to *EC* Section 47607(f)(4)." The petitioner/CEO, principal, members of the leadership team, and board president were associated with the MATTIE charter school revoked by the LBUSD Board of Education. The petitioners also have a history of failing to comply with closure requirements under *EC* § 47605(b)(5)(P) including failure to have an audit report completed for the fiscal year 2007-2008.

- *The petitioners are unfamiliar with requirements of law that apply to the proposed charter school* with respect to independent study, English learners, due process requirements for suspension and expulsion including specific rights for students with disabilities, closure procedures, the Brown Act, and the Government Code.

- *The petitioners have presented an unrealistic financial and operational plan.* Deficiencies include:

  (1) Unrealistic and unsubstantiated enrollment projections;

  (2) A budget that relies on non-guaranteed, unsecured, or unidentified funding sources; inadequate budgeting of expenditures for facilities, capital outlay, utilities, loan repayment, and management services;

  (3) Cash flow projections insufficient for start-up and on-going operations;

  (4) Insufficient administrative and back-office support, which includes an insufficient financial commitment from EdFutures start-up costs budgeted at over $500,000, and on-going operational costs due to deferrals; and

  (5) A different understanding of the agreement with EdFutures than does the management company based on LACOE interview with both parties. The parties do not agree on the amount of start-up funds EdFutures will provide, how administrative and teacher positions for the school will be recruited and filled, and the reporting relationship between EdFutures and the MATTIE Board.

- *The petitioners lack the necessary background in curriculum, instruction, assessment, and finance and business management and do not have a plan to secure the services of individuals with the*

necessary background. The petitioners' lack of background in *curriculum, instruction, assessment* are documented above and in Finding 5, Elements 1, 2 and 3.

- The petitioners lack background in *finance and business management and do not have a plan to secure the services of individuals who have the necessary background.* The petitioners' lack of background is documented above and in Finding 5, Elements 9 and 11. Their plan to relieve concerns regarding their past performance by securing the services of EdFutures does not achieve that outcome and results in additional concerns:

  (1) EdFutures and its CEO have a history of unsuccessful charter school operation in several states including revocations, school closures, and a currently operated charter school in Florida which has an "F" academic rating;

  (2) EdFutures lacks the personnel in California to support the school; and

  (3) The agreement between EdFutures and MATTIE makes it unclear whether the school will retain fiscal control including how the excess revenues (profits) would be directed and whether the board would approve material changes to the budget. The school's leadership team and governing board stated at the Capacity Interview that it had not researched the record of EdFutures.

A detailed report of the findings are provided in the attached Report under Finding 2, pages 4 – 10.

Finding 5: The petition **lacks a reasonably comprehensive description of eleven (11) of the 16 required elements.**

- Proposed **educational program** contains deficiencies in all eight (8) areas identified under 5 CCR § 11967.5.1(f)(1) rendering the educational program deficient for low-achieving and socio-economically disadvantaged students, students with disabilities, English learners and students who participate in independent study.

- Proposed **measurable pupil outcomes** cannot be assessed by objective means that are *frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress.* Deficiencies include:

  (1) No measurable outcomes for year one, two, or four for performance on the California Standards Test (CST);

  (2) No outcomes for End of Course CST exams at the high school level or for required science and social studies CSTs at the middle and high school levels;

(3) No baseline for the API target, which could be established by analyzing the performance of comparison schools identified in the charter to determine whether the goal is adequate for the school to make statutory renewal criteria; and

(4) No mention of CAHSEE participation rate, which is essential to a high school's meeting Adequate Yearly Progress (AYP). Lack of adequate measurable pupil outcomes limits the school's ability to determine the effectiveness of its educational program and authorizer's ability to monitor the school.

- Additional elements that are not reasonably comprehensive: Means for Measuring Student Progress, Governance Structure, Employee Qualifications, Means to Achieve a Racial and Ethnic Balance, Submission of Independent Audit, Suspension and Expulsion Procedures, Identification of Retirement Systems, Dispute Resolution, and Closure Procedures.

The MATTIE Academy of Change Charter School Report on the Findings of Fact is attached.

Los Angeles County Office of Education
Charter School Office
Date: December 6, 2011

Report on the *MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School Petition*, Grades 6-12
Appeal of a Petition Previously Denied by Los Angeles Unified School District Board of Education

Background Information

The petition for the *MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School* (MATTIE) proposes to establish a sixth through twelfth grade charter school. The charter states the school will enroll 525 students. There is no year-by-year build-out plan for grade levels or enrollment.

The charter school's mission and vision is provided on page 25 of the charter as follows:

> The MATTIE (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change is an innovative and progressive learning center that embraces cultural, linguistically, and developmental differences of its student body. The mission of this innovative charter school is to promote academic success in each grade 6-12 student through thinking, problem solving and in-dept [sic] learning at the secondary and post-secondary level. We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing [sic].

The petition further states the school is designed to "collaborate with communities, agencies and colleges...that students should be actively engaged in the community...be prepared to successfully compete for college admission and career performance and promotion."

The petition describes 2008-09 academic performance and demographic information of local elementary, middle, and high schools located in Carson, where the school proposes to locate (Appendix H). Carson is located in Los Angeles Unified School District (LAUSD) Local District 8. The chart summarizes 2010-11 key academic and demographic data for Local District 8 and comparison middle and high schools.

2010-11 Key Academic & Demographic Data	LAUSD Local District 8 (HS)[1]	LAUSD Local District 8 (MS)[1]	Banning HS[2]	Carson HS[2]	Carnegie MS[2]	Curtiss MS[2]
Growth API			658	652	701	705
Black or African American	19%	18%	4%	17%	19%	59%
Asian	2%	2%	0%	2%	1%	0%
Filipino	6%	7%	0%	22%	15%	0%
Hispanic or Latino	65%	65%	91%	50%	54%	38%
Native Hawaiian or Pacific Islander	2%	2%	2%	5%	7%	0%
White	5%	5%	2%	3%	2%	1%
Free & Reduced Price Lunch			72%	54%	77%	73%
English Learners	13%	13%	19%	9%	9%	7%
Parent Education Level			1.84*	2.63*	2.47*	2.60*

[1]Source: LAUSD Local District 8 School Report Cards http://getreportcard.lausd.net/reportcards/...
[2]Source: 2010 Accountability Progress Report (STAR) *1 represents "Not a HS graduate"; 5 represents "Graduate school"

Reason for Denial by the Local District

The LAUSD Board of Education denied the petition based on written findings of fact in compliance with the following sections of the Charter School Act:

EC § 47605(b)(2) The petitioners are demonstrably unlikely to successfully implement the program:

1. The budget submitted with the petition contains multiple fiscal problems pertaining to receipts of the Public Charter School Grant; the assumption of "other grants" (totaling $1.4 million over a five-year period) and "other local revenues" (totaling over $3 million) without detail as to the sources of the funds or evidence of being able to secure the resources; and a start up budget which includes $250,000 in loans without specifying the source or the timing of the loan receipt.

2. The lead petitioners comprise the same administrative team of a previous MATTIE charter school revoked by Long Beach Unified School District (LBUSD) on September 16, 2008, after only one (1) year of operation. The school's 2008 Base API was 365. LBUSD findings of fact at the time of revocation included lack of credentialed teachers[1]; hiring teachers without requisite clearances, including one individual with a criminal history, making him ineligible to work with students; failure to comply with curriculum requirements of the charter; failure to obtain Conditional Use Permits for sites housing students; failure to pay large sums to vendors; unaccounted for loans with unknown terms were made to the Chief Executive Officer (CEO) and two (2) employees while at the same time the school was in debt to its teachers for salaries, health benefits, and contributions for work already performed; and board minutes and agendas that were changed without official action.

3. The school appealed the revocation to the State Board of Education, but withdrew it on February 10, 2010, prior to action by the Advisory Commission on Charter Schools. California Department of Education (CDE) staff found MATTIE submitted rebuttals to only eight (8) of LBUSD's 27 findings and did not find in favor of any of MATTIE's arguments. (Cited Source: Minutes of the February 10, 2010, meeting of the State Board of Education Advisory Commission on Charter Schools)

4. On July 12, 2011, the LAUSD Board of Education denied a MATTIE petition that contained multiple inaccuracies, inconsistencies, and substantive deficiencies, including multiple references to a different inapplicable charter and organizational charts that presented inconsistent governance structures. LAUSD stated the inaccuracies and inconsistencies caused concern regarding the lack of diligence that was used in preparing the petition, which is intended to control the development and operation of the Charter School, and the qualifications/experience of the petitioners.

5. MATTIE contracted with the for-profit company, EdFutures, for the management and administration of the school. Based on the Agreement, it is not clear whether the MATTIE board of directors itself will operate the charter school. The Agreement delegates or creates the mechanism to delegate all charter school-related operations, management and administrative functions to EdFutures, and inappropriately gives EdFutures control over areas that should be the responsibility of school site staff and the charter school's governing board.

6. MATTIE failed to submit evidence of EdFutures' past and continued record of management/administration of charter schools. EdFutures manages no charter schools in California, yet will have extensive responsibility for the operation and administration of MATTIE.

[1] LACOE corroborated that MATTIE's teachers lacked appropriate credentials. Two letters were issued by the LACOE certification section of the District Personnel Information Services Unit. The letters indicated MATTIE teachers were not properly credentialed for 2007-08, and should not have been issued temporary county certificates because the employees had never filed credentialing applications with the California Commission on Teacher Credentialing. LACOE cancelled the temporary county certificates for eight (8) teachers.

EC § 47605(b)(5) The petition fails to provide a reasonably comprehensive description of eight (8) of the sixteen (16) required elements:

Element1: Description of the Educational Program	Element 7: Means for Achieving a Racial and Ethnic Balance
Element 2: Measurable Pupil Outcomes	Element 8: Admission Requirements
Element 5: Employee Qualifications	Element 9: Submission of Independent Audit
Element 6: Health and Safety Procedures	Element 10: Suspension and Expulsion

Any of the LAUSD Board of Education findings may be cause for denial under *EC* § 47605(b).

Response from the Petitioner

The petitioner provided a written response to the findings of the local board and submitted it as part of the petition package. The response was considered during the review process.

Appeal to the Los Angeles County Board of Education

The Los Angeles County Board of Education (County Board) held a Public Hearing to determine support for the petition on November 8, 2011.

The Los Angeles County Office of Education (LACOE) Charter School Office sent letters to fifteen (15) teachers who signed a petition of support for the charter to determine authenticity of their interest in teaching at the school. Five (5) confirmed interest; one (1) letter was returned as undeliverable.

LACOE Review Process

The LACOE Charter School Review Team (Review Team) considered the petition according to the requirements of law, *California Administrative Code of Regulations (CCR),* County Board Policy and Regulations, and LACOE review procedures. LACOE has adopted the *CCR* established by the CDE for the purpose of charter review with modifications as necessary to reflect the needs of the County Board and County Office of Education.

The Review Team included staff from the Controller's Office, Business Operations, Business Services, Risk Management, Divisions for School Improvement, Curriculum and Instructional Services, Special Education, Student Support Services, Office of General Counsel, and the Charter School Office.

Findings are based on a review of the same petition submitted to the local district, supporting documents submitted by the petitioner, information obtained through the Capacity Interview and communications with the proposed management company. The petitioner submitted proposed changes to the petition necessary to reflect the County Board as the potential authorizer. These changes should reflect the statutory, policy, and structural differences between a county office of education and a local district. Differences include, but are not limited to, the statutory authority of the County Superintendent of Schools to investigate complaints as well as structural differences with regard to special education services. Proposed changes provided by the petitioner were considered by the Review Team.

Findings also take into account that the petition was initially submitted to a local district and contains specific references to that district. The Charter School Office confirmed with LAUSD that the local district did require the petitioner to include specific language or content into the petition. This requirement was considered by the Review Team.

Findings of Fact

Finding 1: The petition provides an unsound educational program for students to be enrolled in the school. [*EC* § 47605(b)(1)]

The petition fails to meet evaluation criteria of *CCR*, Title 5, Section 11967.5.1(a) which states, "...a charter petition shall be 'consistent with sound educational practice' if 'it is likely to be of educational benefit to pupils who attend...'"

The Review Team provided the following findings on the proposed educational program with respect to students the school intends to serve:

1. There are insufficient details in the description of the instructional program for it to be considered "of educational benefit to the pupils who attend." There is no description of research-based instructional strategies, coursework, or the independent study program, and no outline of instructional materials to be used except a statement on page 31 that "the school will have the flexibility of using any state-adopted textbooks, whether current or obsolete."

2. The mission statement that the school expects "to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing," [sic] is unclear and could result in a program that only seeks to matriculation students who are in the top 10% nationally and not all students who attend the school.

3. The petition does not provide details supporting its intention to open "an innovative and progressive learning center," and the Academic Course Requirements do not provide for an academic program that would prepare students to score in the "top 10% nationally" on standardized exams.

A complete analysis of the deficiencies of the proposed educational program is provided under Finding 5, Elements 1, 2, and 3.

Finding 2: The petitioners are demonstrably unlikely to successfully implement the program. [*EC* § 47605(b)(2)]

Based on review of the petition, supporting documents, the Capacity Interview with the school's leadership team, and information regarding the proposed charter management company, the petition does not meet the criteria established in *CCR, Title 5*, § 11967.5.1(c). The petitioners:

1. *Have a past history of involvement in charter schools that was unsuccessful; the petitioners were associated with a charter school of which the charter was revoked.*

    a. The petitioner/CEO, principal, members of the leadership team, and the board president were associated with the MATTIE charter school revoked by LBUSD Board of Education in 2008. The revocation was appealed to the State Board of Education (SBE), but withdrawn after being heard by the Advisory Commission on Charter Schools (Commission).

        i. The CDE report to the Commission stated, "The CDE finds the evidence presented to the SBE on appeal to be substantial, and adequate to support the written factual findings of the Long Beach USD Board's Final Decision. Accordingly, the CDE recommends that the SBE uphold the decision of the Long Beach USD Board to revoke the MATTIE charter pursuant to *EC* Section 47607(f)(4)." The substantial findings were summarized as follows:

> The Board made nine (9) findings demonstrating that MATTIE engaged in fiscal mismanagement within the meaning of *EC* Section 47607(c)(3) as follows: (1) MATTIE failed to comply with financial reporting requirements;

> (2) MATTIE failed to pay large sums owed to multiple vendors; (3) MATTIE had negative net assets of $909,504 as of May 31, 2008; (4) MATTIE failed to provide a second interim budget and business plan; (5) MATIE failed to pay employees and currently owes employee salary and benefits; (6) MATTIE failed to maintain employee medical benefits; (7) MATTIE failed to maintain workers compensation insurance; (8) MATTIE failed to employ credentialed staff; and (9) MATTIE failed to demonstrate a legitimate budget and/or business plan for the 2008-2009 school year.
>
> ...the CDE finds that the evidence presented to the SBE on appeal is substantial and supports the Board's nine findings that MATTIE engaged in fiscal mismanagement (AR 0534-0543 (Notice of Intent to Revoke); 2838-2843 (Resolution); 2642-2653 (District's Reply); and 0564-2618).

ii. Mark Kushner, Commission member, stated at the February 10, 2010, meeting that if MATTIE chose to withdraw its revocation appeal it would still have a revocation on record. (Source: Minutes of the February 10, 2010 meeting of the California State Board of Education Advisory Commission on Charter Schools. Attachment)

b. Have a history of failing to comply with the closure requirements under *EC* § 47605(b)(5)(P) and other requirements of law.

i. The MATTIE revoked by LBUSD failed to have an audit report completed for the fiscal year 2007-2008, including an accounting and deposition of all assets and liabilities and any residual interests. The CEO for the proposed MATTIE charter school petition under consideration stated at the Capacity Interview that she was responsible for overseeing and conducting the closure process for the revoked MATTIE charter school. She stated MATTIE did not have the funds to pay the auditor, so the audit was not completed.

ii. The MATTIE revoked by LBUSD failed to file IRS Form 990-Return of Organization Exempt from Income for that year.

2. *Are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school.* The petition demonstrates the petitioners lack of understanding of:

a. The core concepts of independent study, including specific requirements of law. (See Finding 5, Element 1 pages 12)

b. The requirements of law regarding English learners. (See Finding 5, Element 1 pages 14)

c. The due process requirements for suspension and expulsion, including the specific rights for students with disabilities. (See Finding 4 page 10 and Finding 5, Element 10 pages 18-20)

d. The requirements of law regarding closure procedures (See Finding 5, Element 16 pages 21-22) in addition to the petitioner's unsuccessful history of following the requirements of law regarding closure.

e. The petition and accompanying bylaws demonstrate a lack of understanding of the Brown Act and Government Code. (See Finding 5, Element 4 page 16-17)

3. *Have presented an unrealistic financial and operational plan for the proposed charter school.*

Deficiencies in the financial plan:

a. Enrollment projections are unrealistic based on information provided. First year projected enrollment is 525 students, growing to 550 students in the second year, and remaining at that level through year five (5). There is no evidence of outreach or parental interest supporting the enrollment projections.

b. The budget relies on unsecured/unidentified funding sources, which are not guaranteed:

   i. The Public Charter School (PCS) grant of $600,000 for planning and implementation (start-up) activities. The budgeted amount exceeds the maximum grant amount of $575,000, and is a competitive grant with no guarantee of being awarded.

   ii. CDE Revolving Loan of $250,000 to be received by September of the first year. The school will likely not have access to this loan, if approved, until later in the fiscal year. This will lead to cash flow burden for the school.

   iii. Unidentified source of grants of $400,000 in the first year and $250,000 annually thereafter. The school relies on other grants totaling $1.4 million over a five-year period without providing details or evidence of the source of grants.

   iv. Unspecified source of local revenues in the amount of $625,000 in the first year, growing to $695,000 in year five (5). The school did not identify the source of local revenues totaling over $3.3 million over a five-year period. No evidence was provided to support this source of revenues.

c. Budgeted expenditures is inadequate for the following areas:

   i. There is no budget for facility lease, repairs, or renovation costs for the five-year period.

   ii. Only $1,500 total is budgeted for capital outlay including furniture for all five (5) years.

   iii. There is no budget for power/utilities, water, or custodial services for the five-year period.

   iv. $800,000 is budgeted in the first year for Ed Futures' management fees and services without sufficient details or the breakdown and basis for these costs. The total management fees and services is over $4.1 million over the five-year period.

   v. The budget does not include loan repayment and related interest expense for the CDE Revolving Loan of $250,000.

   vi. The loan from EdFutures and the repayment of principal and interest expense are not reflected in the budget.

d. Cash flow projections are unrealistic and do not provide for the necessary funds for start-up and on-going operations.

   i. Cash flow projections do not follow the established apportionment schedule and fail to consider state deferrals; the entire revenues for the general purpose funding is unrealistically projected to be received in three (3) installments without any plan for deferrals into the following fiscal year. For the fiscal year 2011-12, School Services of California, Inc. estimates the deferral of cash flows into the following fiscal year to be approximately 38%.

ii. The petitioner relies on the Public Charter School grant for start-up costs, but is unlikely to have access to these funds for start-up activities. The school projects full cash receipt from the PCS grant of $600,000 (exceeding $575,000 maximum) toward the beginning of its first year of operation, which is unlikely based on recent years disbursement pattern.

Deficiencies in the operational plan:

a. The plan for administrative and back-office support is insufficient for successful implementation.

i. MATTIE executed an agreement with EdFutures to manage the school's operations and fiscal requirements. The CEO of EdFutures acknowledged it has no charter school clients in California and currently does not have the full complement of staffing to manage and support MATTIE's operation.

ii. EdFutures did not provide audited financial statements to LACOE, contrary to the petition's *Description of Changes to Petition for LACOE* (page 32), which states EdFutures will submit its audited financial statements to LACOE.

iii. EdFutures commitment of financial support is insufficient for the school's start-up costs budgeted at over $500,000 as well as on-going operational costs due to deferrals. The petition (page 6) and the agreement with EdFutures states the management company will be responsible for all operating activities and cash flow needs and will cover any deficits; however, the CEO of EdFutures stated it will only commit to loan the school a maximum of $250,000 with interest rates between 8% and 10%.

iv. There is a different understanding of the agreement between MATTIE and EdFutures, which is likely to result in the same type of relationship outcomes between the charter and the management company cited in the Oakland Unified School District report cited on page 8. The Review Team interviewed both parties separately regarding the agreement and identified different understandings of the terms including the following: (1) There is a discrepant understanding of the amount of start-up funds EdFutures will provide as described above; (2) The petitioner stated members of the executive team (executive director, principal, special education, curriculum, and English learner leads) have been identified by the board of directors; EdFutures stated it will recruit for all administrative and teacher positions to ensure the school has qualified staff; and (3) The petitioner stated (and is corroborated by the petition's organizational chart) that EdFutures will report to the Executive Director; EdFutures stated it will report directly to the school's governing board.

4. *Lack the necessary background in and do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management.*

a. The petitioners' lack of background in *curriculum, instruction, assessment* are documented under the findings presented in #2 above and in Finding 5, Elements 1, 2, and 3.

b. The petitioners lack background in *finance and business management and do not have a plan to secure the services of individuals who have the necessary background.* The petitioners' lack of background is documented in #3 above and in Finding 5, Elements 9 and 11. The petitioner's plan to relieve concerns regarding their past performance by securing the services of EdFutures' does not achieve that outcome and results in additional concerns:

i. EdFutures and its CEO have a history of unsuccessful charter school operation documented in the findings of fact presented in the Oakland Unified School District[2] (Oakland) report on Peacemaker Leadership Academy. Oakland's Board of Education denied the petition, in part, because the involvement of EdFutures violated *Education Code* § 47605: *The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.* The staff report includes the following facts:

- EdFutures' founder, Eugene Ruffin previously founded and was CEO of School Futures Research Foundation (School Futures), a non-profit charter management organization funded by John Walton[3]. School Futures was awarded five (5) charters by Oakland's Board of Education in 1999. Three (3) charter petitions were abandoned, and two (2) opened as Dolores Huerta Learning Academy (closed 2009) and EC Reems Academy of Technology and Arts. These charters indicated School Futures had poor fiscal management, lack of financial oversight or checks and balances, and persistently problematic communication.

- The two (2) Oakland charters and an East Palo Alto charter school operated by School Futures discontinued association and operation with School Futures and established their own non-profit status. School Futures dissolved.

- Bannekar Charter, operated by Ruffin's School Futures, was revoked in 2001. An audit critical of the school's operation cited failure to (1) follow state school accounting procedures; (2) provide detailed financial information to the school's own board; (3) do criminal background checks on teachers; and (4) inform the university when a student brought a gun to class; and that the school had (4) "persistent and pervasive problems" paying teachers and vendors and could face a $1 million deficit....

- A July 23, 2002, San Diego City Schools staff report outlined the dissolution of the relationship between School Futures and Holly Drive Leadership Academy. The report indicated that, following an external audit, the district had concerns about the "school's governance structure" and "financial and academic viability."

- EdFutures website stated in February 15, 2008, that it "operates four start-up charter schools" in Georgia, Florida, and Hesperia, California. Oakland confirmed with the Hesperia school that the school renounced its consulting contract with EdFutures due to significant communication and fiscal issues.

- In 2005, the Nevada State Board of Education denied a petition for Marion Bennett Leadership Academy to be operated by EdFutures. The subcommittee's recommendation for denial included concerns about the school's lack of curriculum and specifically cited concerns about financial aspects of the application involving EdFutures.[4]

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[2] Source: Oakland Unified School District Report on Peacemaker Charter School Petition April 2008. Retrieved November 14, 2011, from http://www.weebly.com/uploads/4/1/6/1/41611/plastaff_reportv10.pdf

[3] John Walton ended his relationship with School Futures Research Foundation in 2000 when its directors decided it should become a for-profit company. Source: Business Week Online, February 2000. Retrieved November 14, 2011, from www.businessweek.com/2000/00_06/b3667008.htm?scriptFramed Mr. B. Philpot, Director of the Walton Family Foundation, confirmed via telephone that it did not fund School Futures Research Foundation after 1999.

[4] The Review Team reviewed the minutes of the October 2005 Board Minutes of the Nevada State Board of Education meeting and corroborated the findings in the Oakland staff report. Additional concerns noted in the Oakland report were that the petition, "fashioned" by EdFutures, was missing a budget, and did not comply with

- The State of Louisiana revoked charters awarded to EdFutures just weeks before the start of school in 2006 citing "philosophical differences" between EdFutures and a social services organization with whom they proposed to open the school.

- A 2006 staff report to the Tennessee State Board of Education recommending denial of a petition states, "EdFutures apparently has charter schools operating in Georgia and Florida. Its website states, 'In 2005 EdFutures will operate schools in California, Tennessee, Texas, Michigan and Nevada. In 2006 Louisiana and Arizona will be added.' However, as of January 2006, EdFutures did not have schools operating in any of those states. Nor have any applications been approved in those states."

- The EdFutures annual report letter states its University Community Academy received the Georgia School of Excellence award for 2006. Oakland researched the 2005, 2006, and 2007 schools receiving the award; University Community Academy was not listed.

- The EdFutures 2007 annual report letter states that its *Good Schools for All* charter school in Delray, Florida was closed in 2007 due to low enrollment.

c. The LACOE Review Team identified additional concerns regarding EdFutures as follows:

   i. The management company currently operates no charter schools in California and currently lacks capacity to do so.

   ii. It currently operates Lee Charter Academy in Florida, which has an unsuccessful academic achievement ranking. The 2011 school rating from the Florida Department of Education was an "F" according to the state's website. Concerns regarding the school under the operation of EdFutures can be found in a June 30, 2011, Florida News-Press article. (Retrieved November 10, 2011, from http://charterschoolscandals.blogspot.com/2011/07/lee-charter-academy.html)

   iii. By Nevada state law, (Nevada Revised Statutes Section 78.150; NRS 78.150) all Nevada Corporations and Limited Liability Corporations (LLC) are required to file an "Annual List" at the end of the month following the month that the business entity was formed. Then, each year on the anniversary date of the formation, a new Annual List must be filed. That same website maintains an electronic filing of the "Annual List" report. According to the report, as of September 2011, EdFutures had *dissolved* in November 2000. (Retrieved November 10, 2011, from http://www.nvannualreport.com/entities-DPC-ED-FUTURES-INC.aspx)

   iv. It is unclear whether the EdFutures agreement with MATTIE allows the school's governing board to retain fiscal control.

   - The agreement fails to specify how excess revenues (profits) would be directed and whether the board retains any control over how the funds would be directed. It grants the management "authority to capture and direct the utilization of any excess of revenues over expenditures." (page 7)

   - The agreement only requires EdFutures to notify the governing board of material changes to the budget rather than obtain its approval. It states, EdFutures "expenditures in

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state application requirements. Meeting minutes also provide witness testimony that teachers of schools managed by EdFutures in San Francisco were not paid, and that one school lost $250,000. The charter was not approved.

> connection with the operation of the charter school shall not deviate materially from the submitted proposed budget without prior notice to the board." (page 7)

The school's leadership team and governing board stated at the Capacity Interview that it had not researched the record of EdFutures.

Finding 3: The petition contains the required number of signatures. [*EC* § 47605(b)(3)]

Finding 4: The petition does not contain an affirmation of all specified assurances. [*EC* § 47605(b)(4); *EC* § 47605(d)]

The petition fails to comply with the required affirmation as follows:

> *If a pupil is expelled or leaves the charter school without graduating or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days....*

The petition states (page 94) that the school will provide the information upon request and in a timely manner, not that they will notify the district within the required 30 days.

Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [*EC* § 47605(b)(5)(A)-(P)]

Based on *Education Code* and criteria established in the *California Code of Regulations, Title 5*, (*5 CCR*) eleven (11) of the 16 elements are not reasonably comprehensive.

Element 1: Description of the Educational Program. *Not reasonably comprehensive*

The *5 CCR* § 11967.5.1(f)(1) requires the petition to address eight (8) requirements. The petition fails to meet these evaluation criteria rendering aspects of the educational program deficient for specific populations of students: Low-achieving and socio-economically disadvantaged students, students with disabilities, English learners, and students who participate in independent study. Findings are as follows:

1. There are deficiencies in the description of *the school's target student population which must, at a minimum, include grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges.*

    a. The targeted student population is not clear. The petition states on page 24, "We have determined and have developed instructional strategies for students not on alternate curriculum in community based instruction students not expected to pass the CAHSEE and are working on alternate graduation standards, students who are deaf and hard of hearing, and students with learning disabilities, using grade level standards." However, on page 25 it states, "We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performances on standardized testing."

    b. The petition does not comply with the requirement to identify the specific educational interests, backgrounds, or challenges of the 50% of the student population likely to be English learners or other student populations the school proposes to serve.

2. The petition fails to specify *a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners' definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.*

a. The mission statement is not clearly linked to the needs of English learners or students with disabilities. Additionally, the petition states (page 25) the school expects to matriculate "students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing," which contradicts the statement (page 24) that the school proposes to serve students who would not meet this criteria.

b. The petitioner's definition of an educated person in the 21st Century is not coherent and does not reflect current educational pedagogy on this issue. The following analysis highlights a few of the deficiencies in the definition of an educated 21st Century learner:

   i. The statement, "The purpose of education in the beginning of the 21st Century is to prepare people to lead productive lives, to enjoy their constitutional rights of 'life, liberty, and the pursuit of happiness'" lacks the broad scope of knowledge, competencies, and dispositions necessary to develop global awareness, environmental literacy, health literacy, civic literacy, environmental literacy; be able to collaborate, communicate in diverse settings, use and apply information in innovative ways to meet complex challenges, etc.

   ii. In the statement, "With the emphasis on performance-based learning, students will emerge from the school as competent as measured by state and national tests." there is no explanation of how performance-based learning translates to competency on state and national tests, which are not performance-based assessments. The petition reflects a lack of understanding of the term "competency" in the 21st Century. Current state and national tests largely measure knowledge of content, not skills and competencies needed for success in college and career in the 21st Century.

c. There is no integration of the definition of "What it means to be an educated person in the 21st century" with the proposed instructional design.

3. The petition lacks *a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population.*

   a. The lack of a clearly defined target population makes it difficult to determine how the instructional design is aligned to meet the needs of the students the school will serve. The petition does not explain how the proposed instructional design is aligned to meet the needs of each population of students the petition is required to address including English learners, students with disabilities, and academically high and low achieving students.

   b. There is no description of how the school will determine when, for what purpose, or for which student populations the list of instructional strategies will be utilized or the reason for the choice of strategies, identified as "student investigations, cooperative/collaborative learning, whole group instruction, independent and self-directed learning, peer coaching, graphing, concept mapping, self-assessment, research and simulations."

   c. Information provided about the instructional program is inconsistent. For example, on page 8, the petition describes a "weekly Intervention Day" where students select a subject that interest them. Later in the petition, it indicates student data will be used to make instructional decisions. Allowing a student to select a subject for "Intervention" does not guarantee the intervention will meet the student's academic needs and ensure progress toward meeting state standards.

   d. There is no description of how the program of independent study proposed in the petition is aligned with the academic needs of specific subgroups of students to be served. (See #4, below)

4. There are deficiencies in how the program will be implemented through *the basic learning environment or environments* identified in the petition.

   Deficiencies regarding independent study: The Independent Study Program (ISP) demonstrates lack of understanding of the core concepts of independent study, including requirements of law. The following deficiencies provide evidence the proposed ISP will not be implemented successfully for benefit of the students.

   a. The petition misrepresents the purpose of ISP and violates specific requirements of law.

      i. The described ISP violates the requirement that it be strictly voluntary. The petition states special education students will be referred to ISP and that ISP may be used s an administrative remedy to student problems.

      ii. The petition states (page 38), "In ISP the student's performance, measured by the terms of the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance." This statement is problematic in two (2) ways: First, the student's academic performance shall in no way be the determining factor for apportionment (school days), which may be based solely on the completion of work and the time equivalent that the supervising teacher determines the value to be. Second, the last sentence "...as if the student were physically in attendance" misrepresents the purpose of independent study.

      iii. There is no provision for maintaining activity logs or other documentation required by law. Apportionment can only be claimed for those days that the student is engaged in educational activities.

      iv. There is no evidence of employing credentialed teachers as required by law. The petition references students reporting to a "counselor/coordinator" without assurance the individuals will be credentialed in the appropriate subjects.

   b. The proposed ISP conflicts with the requirement that Independent Study be substantially equivalent to a classroom-based program. The description of the ISP indicates the components are not shared by the classroom program.

   c. The proposed ISP lacks an instructional design that can meet the needs of high risk students. ISP is described as a "self-study" program, which is unlikely to meet the needs of high risk students who typically need intensive, high-quality, direct instruction provided by highly qualified teachers.

   Deficiencies regarding instructional minutes:

   a. No bell schedule is provided for grades 6-8. The sample bell schedule (page 43) was for grades 9-12 only. Without the bell schedule, it cannot be determined whether the school would meet the minimum annual instructional minutes for grades 6-8.

   b. It cannot be determined whether the school would provide an adequate number of instructional minutes. The sample bell schedule included a minimum day schedule. However, the annual instructional calendar (Appendix G-3) does not indicate when minimum days would be held.

   c. The bell schedule is inconsistent. On page 44, the petition indicates the block schedule format will consist of three 90-minute classes per day. The block schedule included indicates 95, 98, 95,

and 50 minute periods. Passing times included in the schedule are inconsistent. They are indicated in the schedule for the times 1:40 - 1:50 PM, but not indicated for the space of time between nutrition and period 3, and Lunch period 5.

Deficiencies regarding attendance accounting and state reporting: The petition does not indicate how attendance accounting and state reporting will be done or by whom. The EdFutures contract does not specify whether it will provide attendance accounting or state reporting preparation.

a. The petition fails to indicate *the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to EC § 60605 and to achieve the objectives specified in the charter.*

   i. There is no description of the instructional strategies the school will use to deliver curriculum. The petition provides a list of strategies, but does not differentiate their purpose or application. While the petition states in several places that it will use research-based techniques, it fails to identify the research or describe those techniques.

   ii. The stated flexibility of using any state-adopted textbooks, whether current or obsolete (page 33) lacks adequate explanation of how the school would ensure the educational program addresses required content standards if obsolete textbooks are utilized. No state-adopted textbooks are identified with the exception of the English learner curriculum.

   iii. The plan for delivering curricular goals identified in the petition is unclear and inadequate. Curriculum descriptions of the four core areas (and PE) found on pages 34-38 are copied and pasted from portions of the *California State Frameworks* for Reading/Language Arts, Mathematics, History-Social Science, Science, and Physical Education. The petition does not explain how the goals taken from these documents will be addressed.

   iv. There is no description of how the school's curricular approach will meet the needs of English learners and students with disabilities.

   v. The petition fails to demonstrate understanding of Service Learning as an instructional strategy connected to academic learning. It describes activities that are examples of community service or volunteerism, demonstrating a lack of understanding that Service Learning is an instructional approach to increase academic achievement.

   vi. The proposed use of technology (page 141) is unclear and confusing. For example, the petition does not describe how curriculum will be differentiated by using computers; lacks examples to illustrate assertions regarding the use of computers; and does not explain how computers will lead to the development of critical or higher-order thinking skills as asserted.

   vii. The description of Project Based Learning (pages 141-142) does not describe how it will be used within or across subject areas.

   viii. The professional development plan (page 144) appears ambitious; it is unclear how professional development will be effectively delivered in the short time spans stated in the petition.

   ix. There is no proposed plan to prepare the school for the transition to the Common Core State Standards or how the school will access "Bridge" documents ensuring instruction is aligned with the Common Core State Standards.

5. The petition fails to indicate *how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels.*

   a. There is no indication how the school will identify and respond to the needs of the students who are not achieving at or above expected levels; there is no description of the intervention plan to be offered during the school day, only before and after school.

   b. There is inadequate description of how curriculum and instruction will be differentiated to meet the needs of students not achieving at or above expected levels.

   c. There is insufficient description of how the school will identify "at-risk" students beyond that described for the California High School Exit Exam (CAHSEE).

6. There is insufficient indication of *how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations.*

   a. *Deficiencies regarding the plan for meeting the needs of English learners*:

      i. The petition fails to ensure that all English learners will have full access and make progress toward meeting required content standards. It states, "All English learners will participate in the core standards-based curriculum appropriate for their grade level *as fully as their English language fluency will allow*." (Emphasis added)

      ii. Procedures for completing and utilizing information from the Home Language Survey are incorrect. The petition (page 46) indicates all *students* (emphasis added) will complete a Home Language Survey and that students will be assessed if they indicate another language spoken in the home. First, students do not complete the Home Language Survey, parents do, and second, the Survey is required for students when they first enter a school in California, not upon entry to each new school. The correct procedure is for the school to evaluate student transfer records to determine if the student was identified as an English learner. Assessing all students based on completion of the Home Language Survey, would result in the misidentification of English learners, including students who have been reclassified.

      iii. There is no description of the assessments that will be used to monitor the progress of English learners. The petition indicates teachers will meet every two weeks to discuss and evaluate the progress of English learners and make adjustments to their program, however, only state mandated assessments are identified for that purpose. State mandated assessments are only administered annually and do not provide sufficient feedback for the bi-weekly program adjustments stated in the charter.

      iv. There is no description of how the school will address the needs of English learners with disabilities or English learners identified for referral for special education assessment.

      v. The staff development plan fails to ensure that the needs of all English learners are met. The petition indicates, "staff development on good teaching practices that address the ELL learning needs" (page 47) will be provided. Evidence of "good teaching" is insufficient to prepare *students achieving substantially below grade level* to prepare for college.

   b. *Deficiencies regarding the plan for meeting the needs of students with disabilities*, especially those performing substantially below grade level:

i. The petition indicates lack of knowledge regarding special education curriculum and assessment. It states general education curriculum as well as "California Alternative Program Standards" will be used to provide students with special cognitive needs an enriching and engaging learning experience on an on going basis. The *California Alternate Performance Assessment* (CAPA), designed to assess students with severe cognitive disabilities, is linked directly to California academic content standards at each grade level. The Review Team was unable to determine what the petition is referencing in its use of the term "California Alternative Program Standards."

ii. The staff development plan fails to ensure that the needs of students with disabilities are met.

c. *Additional Concerns:*

i. The petition does not describe how the school will address the needs of socioeconomically disadvantaged students.

ii. It is unclear whether the school intends to ensure that all students will matriculate. The petition states only students in the top 10% will be matriculated.

7. There is inadequate description of *the charter school's special education plan, including, but not limited to, the means by which the charter school will comply with the provisions of EC § 47641, how the school will provide or access special education programs and services, the school's understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities.*

a. The means by which the school will implement special education services for all types of disabilities is not addressed. The petition implies the school will only address students with learning disabilities and those who are hearing impaired; there are 11 other categories of disabilities not addressed in the petition. The scope of needs of students with disabilities the school has planned to serve is finite and limited.

b. There is inadequate description of the services and programs the school will provide once the identification process is complete.

8. The description of *how parents will be informed about transferability of courses to other public high schools* fails to demonstrate understanding that courses must be submitted to, and approved by, the University of California before they are accepted by the UC/CSU system for student admission.

Element 2: Measurable Pupil Outcomes. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5,* § 11967.5.1(f)(2) as follows:

It does not *specify skills, knowledge, and attitudes that reflect the school's educational objectives and can be assessed...by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress. ... vary according to such factors as grade level, subject matter, the outcome of previous objective measurements.... To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students.*

The educational objectives are not *frequent or sufficiently detailed enough to determine whether pupils are making satisfactory progress and the measures do not vary according to factors such as grade level.*

1. There are no measurable outcomes stated for year one (1), two (2), or four (4) for performance on the California Standards Test (CST). The petition states, "California Standards Test: A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and Math" (page 49)

2. There are no outcomes for End of Course CST exams administered at the high school level or for required science and social studies CSTs administered at the middle and high school levels.

3. There is no baseline for the API target. A baseline can be established by analyzing the performance of the comparison schools identified in the charter to determine whether the stated goal is adequate for the school to make renewal criteria established in law or show evidence of performance that is at least comparable to the comparison schools.

4. There is no mention of the CAHSEE participation rate, which is essential to a high school's meeting Adequate Yearly Progress (AYP) targets. Participation rate is stated only for the CST (page 49).

Element 3: Method for Measuring Pupil Progress. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5*, § 11967.5.1(f)(3) as follows:

1. It does not describe how the provided list of assessments is *consistent with the measurable pupil outcomes* identified in Element 2. (Page 53)

2. It lacks explanation of how *annual assessment results from the Statewide Testing and Reporting (STAR) program* will be used to measure student progress.

3. It fails to *outline a plan for reporting data on pupil achievement to pupils' parents and guardians.* Additionally, the petition does not outline the plan *for collecting specific data or the instruments to be used for measuring the progress of students* with disabilities.

Element 4: Governance Structure. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5*, § 11967.5.1(f)(4) as follows:

1. It does not *include evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that:*

   a. ***The charter school will become and remain a viable enterprise*** **(See Finding 2)**

   b. *The educational program will be successful.*(See Finding 2 and Finding 5, Element 1)

2. The petition does not comply with specific requirements of law regarding governance:

   a. While the petition states (page 56) that it will comply with the Brown Act, the bylaws create confusion as to whether the Board will comply with the Brown Act requirements.

   b. Article 3, Section 7, Place of Meetings, and Section 9, Special Meetings, do not establish that meetings not designated by the Board must still be within the jurisdiction of the District. Government Code § 54954(b)-(e) addresses all exceptions to this.

   c. In addition to the primary meeting location, the notice and agenda must also be placed at all locales in which a Board member is participating via teleconferencing. *Government Code* § 54953 requires that each of these locations must also be identified in the notice and agenda as

well, and each of these locations must be fully accessible to the public. Also, the bylaws fail to require that a quorum must participate within the body's jurisdiction for other members to participate via teleconference, which is required by the Brown Act.

d. Article 3, Section 11, Contents of Notice, doesn't provide for disability accommodations within the agenda. Government Code § 54954.2(a) requires that the agenda must contain information on how to request disability accommodations or modifications in order to participate in a meeting.

Element 5: Employee Qualifications. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5*, § 11967.5.1(f)(5) as follows:

It lacks *general qualifications for the various categories of employees the school anticipates and* fails to *provide qualifications sufficient to ensure the health and safety of the school's faculty, staff, and pupils.*

1. Qualifications of teachers and the special education teachers are described in general terms without specifying which must have CLAD or BCLAD certification, whether any staff will be bilingual, or the type of credential special education teacher(s) will hold.

2. There is no statement of qualifications for non-core teachers.

3. Several key positions, including the CEO and the program facilitator do not require any knowledge of educational practices.

4. There is no description of duties and responsibilities for the program facilitator.

5. There is no description of staff duties for the positions of psychologist, social worker, nurse, parent community liaison, technology assistant, or fiscal management coordinator (as presented in the handout given to the County Board at Public Hearing).

6. There is no explanation of the difference between a staff assistant and an instructional assistant, although the budget reflects different pay levels.

7. There is no description or qualifications for tutors for the After School Enrichment Program.

8. The Code of Ethics which "all staff must meet and maintain" is not included in the petition.

Element 6: Health and Safety Procedures. *Reasonably comprehensive with specific deficiencies*

The petition fails to meet the requirements of *CCR, Title 5*, § 11967.5.1(f)(6) as follows:

It does not *provide for the screening of pupils' vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.*

Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. *Not reasonably comprehensive*

The petition fails to meet *CCR, Title 5*, Section 11967.5.1(f)(7) in that the standard of the regulation states it "*...shall be presumed to have been met, absent specific information to the contrary.*" Evidence to the contrary is as follows:

Described outreach efforts are insufficient to determine whether the plan can achieve a student population reflective of the racial and ethnic diversity of the district in which the school intends to locate. Outreach is described in general terms, and it lacks benchmarks by which the school can determine whether it will achieve the desired outcome. The plan to specify which newspapers the school will use to conduct

outreach and actual venues where information will be disseminated, which would have provided evidence that the plan would likely result in enrollment reflecting the diversity of the community.

Element 8: Admission Requirements. *Reasonably comprehensive with one deficiency*

The petition fails to meet the requirements of *CCR, Title 5,* § 11967.5.1(f)(8) as follows:

There is a noted contradiction in the enrollment preferences stated in the petition. On page 85, the children of the school's founders are listed as having preference over children of staff or employees, while on page 86 the order of preference is reversed.

Element 9: Annual Independent Financial Audits. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5,* § 11967.5.1(f)(9) as it does not *specify who is responsible for contracting and overseeing the independent audit* or *that the auditor will have experience in education finance.*

The petition does not comply with the following criteria:

1. It does not *specify the auditor shall be on the State controller's list of educational auditors,*

2. It does not *specify the auditor shall be hired by the Board of Directors of the charter school, and*

3. It does not *ensure financial reporting to charter agency would be carried out in pursuant to EC § 47604.33*

Element 10: Suspension and Expulsion Procedures. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5,* § 11967.5.1(f) (10) as follows:

1. It does not *identify a preliminary list of the offenses for which students in the charter school must and may be suspended and, separately, the offenses for which students in the charter school must or may be expelled, providing evidence that the petitioner reviewed the offenses for which students must or may be suspended or expelled in non-charter public schools, and*

2. It does not *identify the procedures by which pupils can be suspended or expelled.*

   The petition contains contradictions regarding the actions for which students can be suspended and/or expelled and the processes and procedures for suspension and expulsion that would result in due process violations. There are no procedures for expulsion. These deficiencies provide evidence that *the petitioners failed to review the offenses for which students must or may be suspended or expelled in non-charter public schools,* and that the petitioners are not familiar with the requirements of law with regard to suspension and expulsion.

   a. It describes processes and procedures for suspension and expulsion that are not aligned with the sections of *Education Code* cited in the petition.

   b. It describes actions for suspension and expulsion that are not aligned with cited sections of *Education Code*. The list of offenses provided in Categories I, II and III (pages 91-92) do not differentiate between discretionary and non-discretionary offenses.

   c. There is lack of specificity on procedural aspects of suspension and expulsion including timelines for notification and scheduling of expulsion hearings, which would lead to due process violations.

d. It does not identify who will hear expulsion cases or how an expulsion decision can be appealed.

e. The petition is unclear as to the number of consecutive days a student may be suspended. The legal limit is five (5) consecutive days. The petition on page 90 states students may be suspended for up to ten (10) consecutive days. Another contradiction arises on page 92 where it indicates a student could be suspended for "more than five (5) consecutive days to twenty (20) total days within the year." The petition is unclear whether a student is still enrolled in the school after multiple suspensions that occur consecutively, without any reference to the violations themselves.

f. There are no guidelines or procedures established for the suspension of a student by a teacher, which could lead to unfair practice as to how and why students are suspended in this manner. On page 91, the petition only mentions that a teacher may suspend a student for one (1) day.

g. The suspension appeal process could keep a student out of class for up to fifty (50) days. On page 92, the petition states that a student could be suspended for up to 20 consecutive days. Given the 30 day timeline for when the board will hear the appeal, a student could be out of school, or in an alternative setting, for up to 50 days.

h. The petition is unclear about alternatives to suspension. On page 91, it states the school will send the student to another site as an alternative to home suspension, but no mention is made of where the other site may be or if it will be grade appropriate.

3. The petition fails to *identify procedures by which parents, guardians, and pupils will be informed about reasons for suspension or expulsion and of their due process rights regarding suspension or expulsion.*

   a. It fails to describe how parents and pupils will be informed about the school's suspension and expulsion policies and procedures.

   b. As the petition contains no procedures for expulsion, the procedures cannot be communicated to a student or parent.

   c. There are numerous contradictory statements; therefore it is not possible to expect students and parents to understand the procedures, which violates due process rights.

4. It does not *provide evidence that in preparing the lists of offenses and the procedures, the petitioners reviewed the lists of offenses and procedures that apply to students attending non-charter public schools, provide evidence the petitioners believe the proposed lists of offenses and procedures provide adequate safety for students, staff, and visitors to the school, and serve the best interests of the school's pupils and their parents (guardians).*

   a. The lists provided in the petition contain several contradictions and omit some very serious offenses. For example, Category III lists four (4) of the offenses citing *EC* § 48900.2, .3, .4, and .7, but the other lists do not refer to the corresponding sections of the *Education Code*. There is no information regarding offenses related to bullying or cyber bullying.

5. It does not provide for *due process for all pupils and demonstrate an understanding of rights of pupils with disabilities in...regard to suspension and expulsion.*

   a. The petition refers to students with an IEP or a 504 accommodation plan, but fails to explain the expulsion procedures for pupils with disabilities, which results in the petition's failure to

demonstrate an understanding of rights of pupils with disabilities in...regard to suspension and expulsion.

6. It does not *outline how detailed policies and procedures regarding suspension and expulsion will be developed and periodically reviewed, including, but not limited to, periodic review and (as necessary) modification of the lists of offenses for which students are subject to suspension or expulsion.*

   a. The petition states that there will be a review, but it does not include the procedures that will be used to modify the list of offenses.

Element 11: STRS, PERS, and Social Security. *Not reasonably comprehensive*

The petition fails to meet the requirements of *CCR, Title 5*, § 11967.5.1(f)(11) as follows:

1. It does not provide a clear statement of *the manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security, as required by EC § 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for ensuring that appropriate arrangements for that coverage have been made.*

   a. There is contradictory information regarding participation in the California State Teachers' Retirement System (*CalSTRS*) for certificated staff. It indicates the school will participate in *CalSTRS but employees who elect to participate in CalSTRS may remain in the chosen system during their employment, unless a two-thirds majority of the of the permanent teaching staff votes for an alternative retirement system.* This statement does not provide the clear language required by *CalSTRS.* Petition language must clearly reflect one of the following choices: Choice 1: Coverage will be offered to eligible employees; Choice 2: The school retains the option to elect the coverage at a future date, or Choice 3: The school will not offer the coverage. *CalSTRS retains the right to reject charter language that does not clearly specify the school's choice.*

Element 12: Public School Attendance Alternatives. *Reasonably comprehensive*

Element 13: Post-Employment Rights of Employees. *Reasonably comprehensive*

Element 14: Dispute Resolution Procedures. *Not reasonably comprehensive*

1. The petition fails to clearly articulate that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with *EC* § 47607, the matter will be addressed at the County Board's discretion granted under provisions of law and any regulations pertaining thereto and not subject to the dispute resolution procedure stated under Element 14 of the petition.

2. The Dispute Resolution Procedures as set forth in the petition imposes the following requirements to which the county office cannot agree:

   a. It imposes a 120 day timeline for mediation from the date following the Issue Conference, which is an unreasonable interval of time.

   b. It commits LACOE to "binding arbitration" and requires that any party who fails or refuses to submit to arbitration to bear all attorney's fees, costs and expenses incurred by such other party in compelling arbitration of any controversy or claim. This section would expose LACOE to unnecessary and costly litigation.

3. The petitioner proposes a wholesale change to the dispute resolution procedure in its "Description of Changes to Petition for LACOE." Given the substantial departure from the Element 14 stated in the original petition, the proposed changes constitute a material change to the petition. The following underscore the reasons that the proposed changes are *not reasonably comprehensive:*

    a. The new process requires LACOE to refer complaints it receives to the Executive Director of the charter school for resolution to be handled internally. This requirement would strip the Dispute Resolution Process of any meaning and does not acknowledge the right of the County Superintendent to investigate complaints under *EC* § 47604.4. The petition fails to acknowledge the requirement of *EC* § 47604.4 which states, *"In addition to the authority granted by* sections *1241.5 and 47604.3, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school."*

    b. The proposed changes to Element 14 contains the following ambiguity, "The dispute resolution provision does not apply to issues that may trigger the revocation process... in the event that LACOE believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement." If issues that trigger the revocation process are exempted from the dispute resolution process, it is not clear why a written dispute statement would be required.

Element 15: Exclusive Public Employer. *Reasonably comprehensive*

Element 16: Closure Procedures. *Not reasonably comprehensive*

The petition fails to meet the requirements defined by *CCR, Title 5,* § 11962 as follows:

1. It does not indicate the school will comply with all the requirements of closure notification *including informing federal social security and the pupils' school districts of residence; providing the effective date of the closure and the manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.*

2. It fails to indicate that upon closure, the school will provide for the *transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the authorizer* or the *transfer and maintenance of personnel records in accordance with applicable law.*

3. It does not *indicate the independent final audit will include at least the following:*

    a. *An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.*

    b. *An accounting of the liabilities, including accounts payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation.*

    c. *An assessment of the disposition of any restricted funds received by or due to the charter school.*

4. It does not specify *that the disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, will include:*

    a. *The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of*

final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.

b. *The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.*

Finding 6: The petition does not satisfy all of the Required Assurances of *Education Code* section 47605(c), (e) through (j), (l), and (m) as follows:

Standards, Assessments and Parent Consultation. *Does not meet the condition*

EC § 47605(c) requires charter schools to:

1. *Meet all statewide standards and conduct the pupil assessments required pursuant to EC § 60605 and 60851 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools.* The petition fails to meet the requirement for the following reasons:

   a. It indicates the school "will attempt" to have 95% of students participate in the California Standards Test (CST) administration. Acceptance of federal funds requires a 95% participation rate on the CSTs and the 10th grade CAHSEE census administration.

   b. It provides evidence the petitioners do not understand the intent and purpose of the California English Language Development Test (CELDT).

2. *Consult with their parents and teachers regarding the school's educational programs on a regular basis.* The petition fails to meet the requirement for the following reasons:

   a. It does not describe how parents of English learners will receive notification in writing of their child's English proficiency assessment results, the parent exception waiver, or give input on services for English learners.

   b. It states, "parents will be informed," (page 49) but provides no clear plan for informing parents or consulting with parents about the school's educational program.

Employment is Voluntary. *Meets the condition*

Pupil Attendance is Voluntary. *Meets the condition*

Effect on the Authorizer and Financial Projections. *Does not provide the necessary evidence*

EC § 47605(g) requires the petitioners to provide information regarding the proposed operation and potential effects of the school. The petition does not comply with the requirement as follows:

1. It does not fully *identify the facilities to be utilized by the school* including *where the school intends to locate*. A site is proposed, but not confirmed; how the site would be managed (i.e. purchase, lease, or any other agreement) is not identified; and there are no provisions for leasing in the proposed first-year operational budget, startup cost, or financial projections for the first three (3) years of operation.

2. It does not adequately *identify the manner in which administrative services of the school are to be provided*. The petition proposes to contract services to a management organization, but the contract between the school and the management company is insufficient as described in Finding 2.

3. *The provided financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation* are inadequate to reasonably ensure successful implementation of the school as described in Finding 2.

4. There are concerns regarding the *potential civil liability effects, if any upon the school and the County Office of Education. Education Code* § 47604 (c) states that "[a]n authority that grants a charter to a charter school to be operated by, or as, a nonprofit public benefit corporation is not liable for the debts or obligations of the charter school, or for claims arising from the performance of acts, errors, or omissions by the charter school, if the authority has complied with all oversight responsibilities required by law..." Due to LACOE's knowledge of substantiated findings of fiscal mismanagement against the petitioner and allegations of such against the proposed management company, there is the potential that authorization of this school might expose the authorizer and the county office of education to potential civil and fiscal liability. For example:

    a. In 2008, a writ of attachment was filed against the revoked MATTIE by Charter School Capital for over $250,000 for failure to make payments on a loan. The writ, filed against MATTIE, was served on LACOE.

    b. To date, LACOE continues to receive complaints from unpaid teachers of the revoked MATTIE.

Preference to Academically Low Performing Students. *Does not meet the condition*

EC § 47605(h) states *authorizers shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically low achieving...*

The petition does not meet the criteria for this preference due to the lack of a comprehensive plan for providing *learning experiences to the pupils identified by the petitioners as academically low achieving.*

1. There is no clear plan stating the interventions to be provided during the school day to support academically low achieving students. Program supports appear to be provided by outside entities and/or are listed as "opportunities to participate," thereby not ensuring all students who need that support will have access to the support. (pages 6-8, 28, 30-32, 34, 40, 44, 45, 48)
2. The petition mentions Response to Intervention, but does not describe the tiered process adopted by the school to support all students. (page 49)
3. Interventions for English learners are provided only for the CAHSEE. (page 32)

Teacher Credentialing Requirement. *Meets the condition with specific concerns*

EC § 47605(l) requires that *teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold...It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses.*

The petition does not identify that the special education coordinator and service providers must be appropriately credentialed.

Transmission of Audit Report. *Meets the condition with specific concerns*

EC § 47605(m) requires charter schools to *transmit a copy of its annual independent financial audit report for the preceding fiscal year... to the chartering entity, the Controller, the county superintendent of schools of the county in which the charter is sited..., and the CDE by December 15 of each year.*

Met with the following concern:

While the petition states the requirement for the transmission of audit report, the MATTIE charter revoked by LBUSD failed to have a financial audit completed for the year it operated or comply with *EC* § 47605(b)(5)(P) regarding closure procedures in spite of complying with this statement in its previous charter. The CEO for revoked charter who was responsible for overseeing the closure process for the revoked MATTIE charter school is the same person who would be responsible for the proposed charter school current under consideration.

Attachment

Display version

ACCS Meeting Notes for February 10, 2010

Meeting notes taken at the ACCS meeting on February 10, 2010.

Advisory Commission on Charter Schools
An Advisory Body to the State Board of Education

California Department of Education
1430 N Street, Room 1101
Sacramento, CA 95814-5901

Wednesday, February 10, 2010

Members Present
Beth Hunkapiller, Chair
Dr. Vicki Barber
Carol Barkley*
Dr. Paul Cartas
Gary Davis
Mark Kushner
Corri Ravare
Curtis L. Washington

Members Absent
Brian Bauer

*Carol Barkley is the State Superintendent of Public Instruction's designee.

Principal Staff to the Advisory Commission
Iqbal Badwalz, Consultant, CDE Charter Schools Division
Julie Klein Briggs, Consultant, CDE Charter Schools Division
Matthew Dunkle, Consultant, CDE Charter Schools Division
Angela Duvane, Staff Services Analyst, CDE Charter Schools Division
Bonnie Galloway, Consultant, CDE Charter Schools Division
Darrell Parsons, Consultant, CDE Charter Schools Division
Michelle Ruskofsky, Consultant, CDE Charter Schools Division

Call to Order
Chair Hunkapiller called the meeting to order at 10:28 a.m.

Flag Salute
Corri Ravare led the members, staff, and audience in the Pledge of Allegiance.

Agenda Order
Chair Hunkapiller announced that the agenda would be followed today as printed.

Approval of Meeting Notes
Chair Hunkapiller called for a motion to approve the meeting notes from August 25, 2009. June 17, 2009, ACCS meeting notes.

> **Action**: Dr. Barber moved that notes of the meeting held on August 25, 2009, ACCS be approved as presented. Ms. Ravare seconded the motion. The motion was approved unanimously.

Public Comment
Chair Hunkapiller called for public comment.

Dave Patterson, Executive Director of Western Sierra Collegiate Academy, thanked the Advisory Commission on Charter Schools (ACCS) for their hard work and support of the school and invited ACCS members to visit the campus.

Item 1: Schedule 2010 Meeting Dates.
Ms. Barkley presented the calendar indicating available dates for ACCS meetings at the California Department of Education (CDE). Dr. Cartas stated that he has a scheduling conflict with June 9, 2010, and August 11, 2010. Mr. Washington stated that he will likely miss a meeting held on April 6, 2010.

> **Action**: Mr. Kushner moved to approve April 6, 2010, October 5, 2010, and December 9, 2010, as future meeting dates. Dr. Cartas seconded the motion. The motion was approved unanimously.

Item 2: California Department of Education Projects and Priorities – to include, but not be limited to, an update on charter school issues discussed at the January State Board of Education meeting, an update on the Public Charter Schools Grant Program, and Clarification of Mitigating Circumstances under Senate Bill 740.

Ms. Barkley explained why the ACCS items in December were carried forward to the SBE without a recommendation from the ACCS. She further explained that the SBE did not act differently than the ACCS on the December 2009 agenda items with the exception of the material revision of Livermore Valley Charter School.

Ms. Barkley gave an overview of the Public Charter Schools Grant Program and stated that a stakeholders meeting comprised of representatives of the SBE and major organizations will be held to discuss grant applications. Chair Hunkapiller asked if public comments would be accepted. Ms. Barkley asked that any public comments be sent to her, or the Charter Schools Division.

Ms. Barkley explained that according to current regulations charter schools can request mitigating factors in a current or prospective period and clarified that there is no blanket policy as to what will or will not be approved by the ACCS.

Dr. Cartas asked for clarification on grant application dates. Ms. Barkley stated that no dates have been set.

Item 3: Appeals of Charter Petitions That Have Been Non-renewed: Approve Commencement of the Rulemaking Process for Amendments to California Code of Regulations, Title 5, sections 11967, 11967.5, and 11067.5.1.
Chair Hunkapiller clarified that this item is for discussion only. Ms. Barkley introduced Matthew Dunkle, a Consultant in the Charter Schools Division, to present this item. Mr. Dunkle explained that SBE requested these regulations be drafted at its January 2009 meeting. Mr. Dunkle gave an overview of the draft regulations. Mr. Dunkle notified the ACCS that stakeholder meetings will be held to revise the draft regulations and welcomed commissioners and members of the public to contact him to provide input on the draft regulations.

Dr. Barber asked for clarification on the timeline for completing the draft regulations.

Mr. Dunkle stated that the goal is to have the draft regulations to the SBE at the May 2010 meeting.

Dr. Barber then clarified that if the draft regulations were given to the SBE in May 2010, then they should be presented to the ACCS at the April 2010 meeting. Dr. Barber expressed concern that this would not give the ACCS time to add substantive input on the document and that the timeline was optimistic.

Chair Hunkapiller stated that the time for input and involvement is now.

Ms. Barkley clarified for Dr. Barber that the current discussion was on the draft of the non-renewal regulations, not the draft of the revocation regulations.

> **Note:** At this point in the agenda, the petitioners for Item 4 were not present in the meeting room; therefore, the ACCS postponed hearing Item 4 until all parties could be present.

Item 5: Consideration of Mitigating Circumstances Impacting the Current Funding Determinations for Options For Youth Public Charter Schools and Opportunities For Learning Public Charter Schools.
Ms. Barkley introduced Iqbal Badwalz, a Consultant in the Charter Schools Division, to present this item. Ms. Barkley explained that this is the same item presented at the December 2009 meeting and requires ACCS approval. Mr. Badwalz gave an overview of the item and the mitigating factors for Options For Youth (OFY) and Opportunities For Learning (OFL) Public Charter Schools.

Representatives from the OFY and OFL Public Charter Schools were present and addressed the ACCS on the impact of the mitigating factors on both schools.

> **Action:** Dr. Barber moved to approve the mitigating circumstances for OFY Public Charter Schools and OFL Public Charter Schools. Ms. Ravare seconded the motion. The motion was approved by a vote of six in favor and two opposed.

Item 6: Consideration of Requests for Determination of Funding Rates as Required for Nonclassroom-based charter schools.
Carol Barkley introduced Angela Duvane, an Analyst in the Charter Schools Division, to present the item. Ms. Duvane presented 46 requests for funding determinations and reported that 15 of these requests were from new schools. Ms. Duvane also stated that 3 of the requests were from OFY and OFL schools requested 100 percent approval with mitigating circumstances.

Dr. Barber requested a discussion on the requests for funding determinations from OFY and OFL. Dr. Barber expressed concern that this particular operator was asking to open with a 100 percent funding rate instead of the normal 85 percent funding rate. Ms. Duvane explained they had a different set of mitigating factors. Mr. Badwalz stated that the schools are being conservative in their budgets and referred to the attachments provided by the schools to supporting their request. Chair Hunkapiller clarified that the California *Education Code* allows for 100 percent funding of new schools. Chair Hunkapiller suggested the ACCS vote on the 15 new schools and vote on OFY and OFL as a separate item.

> **Action**: Dr. Cartas moved to approve all but the OFY and OFL schools. Mr. Davis seconded the motion. The motion was approved unanimously.

Chair Hunkapiller asked for public comment on OFY and OFL.

Colin Miller representing the California Charter Schools Association (CCSA) noted that the law requires a five-year span for continuing schools and asked if, in these cases, the motion could be to give schools five-year approvals.

Jan Miller representing the California Teachers Association (CTA) pointed to the 2005 extraordinary audit for OFY and OFL and questioned their mitigating factors. Mr. Miller further requested an update on last year's action and advised that giving out more funds when some funds were still in dispute was not wise.

Mr. Kushner requested a report on Jan Miller's request for an update on last year's action.

Chair Hunkapiller directed CDE staff to present each OFY and OFL school for consideration separately.

> **Action**: Dr. Barber moved that schools numbered 1130, 1131, and 1132 be approved for 85 percent funding for two years. Mr. Kushner seconded the motion.

There was a discussion amongst the ACCS members regarding schools numbered 1130, 1131, and 1132. Mr. Kushner asked if a funding determination could be reopened at a later date. Ms. Barkley confirmed that a funding determination could always be reopened.

Mr. Washington expressed concern that these funding determinations were not posted to the Web for public access prior to the ACCS meeting. He would like clarification on how the public can access this information before meetings. Ms. Barkley explained that all documents were available at the CDE ten days prior to the ACCS meeting. Mr. Washington requested a solution on how members of the public can access information without coming to Sacramento. Chair Hunkapiller and Ms. Barkley both acknowledged Mr. Washinton's concern and explained that were are working to improve this process.

Chair Hunkapiller asked for representatives from OFY and OFL to address the ACCS.

Representatives from OFY and OFL explained to the ACCS that the 3 schools in question are stand-alone charters and therefore qualify for the full 100 percent funding. They also asked if they 100 percent funding rate was not approved, would the school have an opportunity to come back and justify the 100 percent funding rate at a later date? Chair Hunkapiller confirmed that OFY and OFL could appeal a less than 100 percent funding determination a later date. Dr. Barber asked for further evidence that these new schools would not have the same issues that are being questioned, or litigated, with the existing schools.

> **Action**: Dr. Cartas moved that schools numbered 1130, 1131, and 1132 be approved for 85 percent funding for two years. Mr. Kushner seconded the motion. The motion was approved by a vote of seven in favor and one opposed.

Ms. Duvane introduced a group of schools recommended for a five-year determination based on decile ranking. Ms. Duvane clarified the terms that qualified these schools for a 100 percent funding rate.

Action: Dr. Cartas moved to approve the staff recommendation for 100 percent funding for five years. Mr. Davis seconded the motion. The motion was approved unanimously.

Ms. Duvane presented a group of schools for 100 percent funding for four years and clarified that school number 730 should be funded for four years instead of five years. She further stated that schools numbered 146, 723, 730, 873, 939, and 1056 have mitigating factors.

Chair Hunkapiller asked if any ACCS members would like to remove any of the schools listed by Ms. Duvane from the current staff recommendation. Chair Hunkapiller asked for clarification on whether any of the schools listed could be funded for a different length of time at the discretion of the ACCS. Ms. Barkley confirmed that the ACCS has this discretion. Dr. Barber asked if any of the schools listed for this funding determination were schools classified under the Alternative Schools Accountability Model (ASAM). Ms. Duvane did not have this information at hand.

Action: Dr. Barber moved to approve the staff recommendation for 100 percent funding for 4 years. Mr. Davis seconded the motion. The motion was approved unanimously.

Chair Hunkapiller advised the ACCS that charter number 285, Gorman Learning Center has been pulled from the agenda.

Ms. Duvane presented the next group of schools for consideration and explained that these schools required determinations for prior years due to audit findings. The commissioners discussed the process for determining funding determinations and audits.

Chair Hunkapiller asked for motion.

Action: Dr. Barber moved to approve the staff recommendation for 100 percent funding for these schools. Dr. Cartas seconded the motion. The motion was approved unanimously.

The commissioners discussed mitigating factors as they applied to funding determinations. Ms. Barkley stated that there may be a need for CDE staff to report back to the ACCS next year on the schools that had mitigating factors

Item 4: Consideration of the Appeal fo the Revocation of MATTIE Charter School, Which Was Revoked by the Long Beach Unified School District

Chair Hunkapiller explained in detail the role of the ACCS in regard to making recommendations to the SBE. Chair Hunkapiller clarified that the SBE makes the actual decision to overturn or uphold a charter revocation if it deems the revocation is based on substantial evidence. Chair Hunkapiller further stated that when making a decision on revocation, the ACCS is legally obligated to only consider the administrative record as submitted to the SBE.

Chair Hunkapiller invited Michelle Ruskofsky, a Consultant in the Charter Schools Division, to review the California Education Code as it pertains to the requirements for a chartering authority to revoke a charter and review the CDE staff report for the Multicultural Achievement Technology Teaching Innovative Experiences Academy Charter School (MATTIE). Ms. Ruskofsky also provided an overview of the time line of the MATTIE revocation appeal to the SBE and the 27 findings for revocation made by the Long Beach Unified School District (LBUSD). Ms. Ruskofsky reported that the CDE recommends that the ACCS recommend that the SBE uphold the decision made by the LBUSD to revoke the MATTIE charter.

Ms. Barber reminded her fellow commissioners that at the December 2009 meeting the commissioners had asked MATTIE representatives to provide a specific rebuttal matrix to the 27 findings and asked if MATTIE had in fact submitted this matrix to the CDE. Ms. Ruskofsky stated that the CDE had received a letter from Dr. Denice Price on January 26, 2010, that was included in each commissioners' packet of information.

After advising representatives from MATTIE and members of the audience on the 15-minute time limit for presenting information to the ACCS, Chair Hunkapiller clarified that the public comment period would follow presentations, and then commissioners would deliberate on the appeal.

Chair Hunkapiller invited representatives from MATTIE to come forward and present their evidence. Chair Hunkapiller also advised that it would be most helpful for MATTIE representatives to focus on the 27 findings made by the LBUSD, and the evidence in the administrative record.

MATTIE representatives Dr. Denice Price, Eric McKee, former state legislator Mervyn Dymally, and parents of former MATTIE students stated that the claims from the LBUSD of fiscal mismanagement were unfounded as MATTIE had supplied documentation refuting these allegations. Dr. Price reviewed the January 26, 2010, letter to Chair Hunkapiller and stated that she was disappointed that MATTIE was advised by the CDE to have their response materials submitted to the CDE by January 27, 2010, in order for these materials to be distributed to the commissioners.

Dr. Price expressed that MATTIE representatives feel that LBUSD did not give MATTIE proper time to remedy the 27 findings for revocation. MATTIE representatives expressed concern that many former MATTIE students are not currently enrolled in school

due to a dispute between MATTIE and LBUSD regarding student records. MATTIE further stated that LBUSD violated charter law by not providing support to MATTIE or adequate time to respond to LBUSD's 27 findings for revocation.

Several speakers on behalf of MATTIE addressed the ACCS regarding the need for MATTIE in the community. They expressed concern that when the school was closed, the students had a hard time getting back into school because most of them had been expelled from other schools. All speakers appealed to the ACCS to reopen MATTIE. Dr. Price stated MATTIE has done everything in their power to do what they were asked and that MATTIE was not given a chance to prove the difference they were making with the students.

Chair Hunkapiller asked if the commissioners had any questions.

Dr. Cartas asked MATTIE representatives if any of the 27 findings of facts from LBUSD were accurate and if MATTIE had evidence to refute any of the 27 findings. A discussion ensued in which Dr. Price stated that LBUSD rushed MATTIE to open in the fall of 2007 and was promised money that the district did not deliver. Dr. Price then stated that Mr. Suarez [from LBUSD] encouraged MATTIE to borrow money from Charter Schools Capital. Dr. Price expressed that MATTIE representatives trusted the district's oversight and that they now felt like they were misled. Dr. Cartas asked if MATTIE had a plan to remedy the items identified in the 27 findings from LBUSD. Dr Price stated that they did have a plan, but that everything they submitted to LBUSD was ignored by LBUSD.

Dr. Barber asked for clarification on when MATTIE was given a charter number and when the school actually opened. Dr. Price responded that the school was approved by LSBUSD in August 2007. She further stated that MATTIE opened on September 3, 2007, and was shut down on September 16, 2008. Dr. Barber asked if the school received an API score. Mr. Kushner accessed the CDE Web site to retrieve data on MATTIE. Mr. Kushner advised his fellow commissioners and the audience that in 2008-09, 54 students were tested and that MATTIE received an API score of 365, and a statewide rank of 1. Dr. Barber expressed her concern that MATTIE representatives feel they had a school that was working, but that the data does not substantiate that the school was in fact successful.

Dr. Barber also expressed concern regarding financial information that showed MATTIE had a $900,000 deficit at the time MATTIE was closed. Dr. Price stated that the $900,000 deficit was incorrect. Dr. Price stated that MATTIE's funds were held up because of LBUSD's actions and because of a court judgment brought against MATTIE by the Charter School Capital. Dr Price stated that MATTIE was financially current at the time of revocation. Dr. Barber asked Dr. Price if MATTIE could afford to open immediately if the SBE voted to overturn the revocation. Dr. Price replied that MATTIE has reorganized their board and are currently working on getting funding, but that MATTIE could open one site immediately.

Chair Hunkapiller invited representatives from LBUSD to address the commission. James Suarez, Assistant Director of Special Projects at LBUSD, came forward and expressed that LBUSD has a very positive and fruitful relationship with their charter schools. Mr. Suarez acknowledged that MATTIE served a high-needs population of students and that in the beginning, LBUSD held high hopes for MATTIE. Mr. Suarez stated that in regards to MATTIE, LBUSD went above and beyond the law related to charter school authorizers. Mr. Suarez refuted the allegations made by MATTIE representatives. Mr. Suarez stated that he did not recommend that MATTIE use Charter School Capital and that he advised them to get information from Charter School Capital in writing. Mr. Suarez stated that LBUSD held meetings with MATTIE, advised them on board policies, and provided an MOU for MATTIE. Mr. Suarez further noted that LBUSD sent a retired curriculum specialist to work with MATTIE and offered to pay outside consultants to help with board governance issues, but was refused twice. Mr. Suarez expressed that LBUSD has no desire to close schools, but when the LBUSD board was presented with overwhelming evidence, they had no choice but to revoke MATTIE's charter.

Dr. Cartas asked if MATTIE had admitted accountability to any of the 27 findings. Sue Ann Evans, legal counsel for LBUSD, responded that MATTIE representatives had admitted accountability for several of the 27 findings. Dr. Cartas and Ms. Evans went through several of the 27 findings and asked for clarification on several points of LBUSD's evidence. Dr. Cartas asked if MATTIE provided evidence of resolution of any of the 27 findings. Ms. Evans stated that none of the findings were resolved.

Mr. Washington asked for clarification from LBUSD regarding the student population of MATTIE in regards to the number of students who were expelled from other schools, the number of special education students, and the ethnic comparison to other schools in the area. Mr. Suarez explained that LBUSD only had 15 students expelled in 2007-08, so MATTIE's claim about serving large numbers of expelled students is untrue and that LBUSD never intended MATTIE to be a feeder school for expelled students or special education students. Mr. Washington asked how MATTIE's student population compared to other charter schools demographically. Mr. Suarez stated that MATTIE was very comparable to other schools in the area.

Dr. Barber asked for clarification as to why LBUSD allowed MATTIE to open so quickly without adequate planning. Mr. Suarez responded that LBUSD had done extensive planning with the Minister's Alliance, an affiliate of MATTIE, and that it was the MATTIE representatives who wanted to rush the opening of the school. Dr. Barber and Mr. Suarez engaged in a discussion regarding MATTIE's timeline for opening, student testing and scores, teacher credentialing, and MATTIE's financial status at the time of revocation.

Mr. Washington inquired about the status of former MATTIE students that are currently not enrolled in a district school because of MATTIE's closure. Mr. Suarez stated that LBUSD has made several attempts to get student records from MATTIE and had not yet received any records. Mr. Suarez stated that LBUSD performed home visits and wrote to MATTIE's attorney to try to find information on these students, but LBUSD never received any response from MATTIE or their attorney.

Chair Hunkapiller asked for public comment.

Mrs. De La Cruz, a parent of a former MATTIE student, spoke to the ACCS about her son. Mrs. De La Cruz stated that she has not been contacted by LBUSD. Mr. Kushner asked why Mrs. De La Cruz had not enrolled her son in another school in the district. Mrs. De La Cruz explained that she had tried to enroll her son in other schools, but due to his age and special needs, she has not been successful.

Monique May, a counselor from MATTIE, presented a letter signed by LBUSD verifying that she delivered documents to LBUSD.

Dr. Greta Price, a consultant for MATTIE, spoke about the activities currently going on at MATTIE. Dr. Greta Price explained that she has been an educator for 25 years. She further stated that it takes more than a year to see something perfected and she believes that, if given an opportunity, things would be corrected at MATTIE.

A MATTIE counselor commented about student test scores and explained that low test scores were due to the fact that some students were constantly rotating in and out of school. She further stated that many of the students were from probation camps, or were special education students that may have only been enrolled in MATTIE for a week and the school did not always have copies of their IEPs.

Hearing no additional public comment, Chair Hunkapiller returned the discussion to ACCS members. Chair Hunkapiller reminded the ACCS members that their duty is to weigh the evidence presented in the administrative record and discussed in today's proceedings. Chair Hunkapiller asked if any members had questions about the substantiality of the evidence presented by LBUSD in support of its revocation decision.

Dr. Cartas asked CDE staff if there were any findings of fact in which the school admitted fault. Ms. Ruskofsky stated that MATTIE submitted to the CDE arguments regarding 8 of LBUSD's 27 total findings, which the CDE found to not refute LBUSD's evidence in support of revocation. Mr. Kushner asked if MATTIE could prepare and submit a new charter for approval by LBUSD. Chair Hunkapiller confirmed that MATTIE, just like any charter petitioning group, could prepare and submit a new charter to LBUSD.

Chair Hunkapiller asked ACCS members for any additional questions about any of the findings of fact. Hearing none, Chair Hunkapiller addressed MATTIE representatives and stated that if the ACCS voted right now, it would most likely uphold the revocation. She further informed MATTIE representatives that they could consider withdrawing their appeal before a motion is brought before the ACCS and pursue other options to serve students in the community.

Dr. Barber stated that since MATTIE came before the ACCS in December 2009 and now in February, the ACCS should make a recommendation to the SBE. She further expressed that the 27 findings are serious allegations and an official vote needs to be made for the record. Chair Hunkapiller noted that MATTIE has the right to withdraw their appeal at any point in time. Dr. Barber reiterated that the ACCS should act on the appeal. Mr. Kushner asked for clarification in that by pulling their appeal, MATTIE could not file another appeal at a later point and come before the ACCS again. Chair Hunkapiller responded that Mr. Kushner was correct in his statement.

Dr. Price asked for clarification about the consequences should MATTIE withdraw its revocation appeal.

Jonathan Williams, Member of the State Board of Education, explained that withdrawing the appeal from consideration by the ACCS meant that MATTIE could go back to their stakeholders and community and make a fresh start with a new charter. Mr. Kushner clarified that if MATTIE chooses to withdraw its revocation appeal today, MATTIE will still have a revocation on record from LBUSD.

Dr. Price expressed her "dismay" regarding MATTIE's revocation and stated that she was disheartened because she believes MATTIE was "sabotaged." After a brief discussion with MATTIE representatives, Dr. Price stated that MATTIE will withdraw their appeal.

Adjournment
Chair Hunkapiller adjourned the meeting at 1:06 p.m.

Next ACCS Meeting
The next meeting will be held on Tuesday, April 6, 2010, at the CDE Building, 1430 N Street, Room 1101, Sacramento.

Questions: Charter Schools Division | charters@cde.ca.gov | 916-322-6029

Last Reviewed: Monday, August 02, 2010

California Department of Education Appeal

Los Angeles Unified School District (LAUSD) Findings 07/12/2011	M.A.T.T.I.E. (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School Responses 09/30/2011
The Petition of Multicultural Achievement Technology Teaching & Innovative Experiences Academy of Change Charter School (—MATTIE" or —Charter School") does not meet the criteria under Education Code section 47605(b). Education Code section 47605(b) states: A school district governing board shall grant a charter for the operation of a school under this part if it is satisfied that granting the charter is consistent with sound educational practice. Education code section 47605(b) provides that the governing board shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one or more of the following findings: (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.	MATTIE Academy of Change petitioners unequivocally dispute the findings relative to" MATTIE's demonstrated ability to successfully implement the program —Please see disputation and responses below: To respond to the need of a course description that includes the scope and sequence of courses by grade levels and core content areas we can present our curriculum schedule for students of all grades upon request. Pages 27-30 of petition fully describes course offerings and the scope and sequence of courses by grade levels and core content areas. Page 27 of petition states MATTIE's instructional program will be based substantially on the California State Content Standards, Curriculum Frameworks, and Instructional Materials for Grades 6-12, including learning expectations, accomplishments and benchmarks. Subject areas will include English Language arts, Math, History-Social Sciences, Science, Physical Education, Independent Study, Social Studies, and Foreign Language, Career Development and Technology. The California Department of Education Content Standards, Curriculum Frameworks, and Instructional Materials for Grades 6-12 is taken directly from the website of California Department of Education: www.cde.ca.gov. In addition, Page 31 of petition states that —the curriculum has been designed to meet or exceed the California Curriculum Standards as well as comply with the federal mandate specified in No Child Left Behind. In addition, up-to-date

	textbook materials, published ancillary resources, and Internet learning sites will challenge students and make real-world connections to instruction. The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete. Furthermore, the instructional program is designed to meet the needs of students, provide developmentally appropriate challenges, and support personal growth through mentoring." In reference to the use of obsolete textbooks, MATTIE would like to respond that we utilize current and obsolete textbooks knowing that the material in obsolete textbooks is still useful. Obsolete textbooks will not be used as the core textbooks but as supplementary textbook that can aid in the students' learning process. Furthermore, these books can offer new perspectives of learning as well as varying explanations that students may understand better than current textbooks. (However, this finding is insignificant as charter schools are not obligated to use textbooks. As to the erroneous claim that unaudited actuals showed that MATTIE spent less than $20 per student on textbooks in 2007-2008 is an unsubstantiated claim. As stated above, this is a new petition and the district must only consider the current petition and elements addressed in the new petition. Thus, none of the points made referring to the previous MATTIE revocation should be used as findings related to the current petition for the charter school. In addition, Page 31 states that —In addition, up-to-date textbook materials, published ancillary resources, and Internet learning sites will challenge students and make real-world connections to instruction. The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete."

	The petition did not fail to describe the nature of the Independent Study Program (ISP). Page 37 of the petition starts by describing the students the program would be offered to and the purpose of the program. The specific percentage of students engaged in this program is not specified because this program would only be offered for short-term period to students with chronic attendance problems or extenuating circumstances. This is a program that would only be offered on a case by case basis and therefore does not have a set percentage of students who would actively be involved in this program at any given time of the academic year. In addition, the petition mentions how each student in the Independent Study Program will follow instruction that is consistent with the schools course of study and not an alternative curriculum (page 36). This ensures that students in this program receive the same academic rigor as other students.
(2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.	
(3) The petition does not contain the number of signatures required by subdivision (a) of Education Code 47605.	
(4) The petition does not contain an affirmation of each of the conditions described in subdivision (d) of Education Code 47605.	
LAUSD's analysis of the charter petition submitted on or about May 16, 2011, to LAUSD by MATTIE indicates: Regarding #2 above: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition: The Charter School's budget submitted with its petition	Since MATTIE will not be opening in 2011, application for this grant will be submitted in March 2012. By this time, Management team expects to have an approved charter, and —the grant CAN and WILL be used as a start up grant."

contains multiple fiscal problems including: (a) The school's start up budget includes the receipt of a Public Charter School Grant in the amount of $600,000. The receipt is projected to be $300,000 prior to the opening of the school. Based on communications with the California Department of Education the state is not accepting applications after March 31, 2011. The school could receive the grant but it would not be until well into the school year before the funds are available. The grant cannot be used as a start up grant.	
(b) The Charter School's proposed budget assumes receipt of "other grants" totaling $1.4 million over a five-year period as well as over $3 million in "other local revenues", without providing details regarding the sources of these funds or evidence that the Charter school will be able to secure allocation from these sources. Since the assumed revenue amounts represent a significant portion of the Charter School's budget, should the Charter School not receive the amount of funds it assumes, its ability to successfully implement its program will be impacted.	MATTIE is organized as a 501c(3) non-profit entity. It is not unreasonable to expect the MATTIE organization to raise $1.4 million over a 5 year period. There are many charitable organizations and foundations that provide funding for educational programs to be provided by MATTIE. The worksheet used to calculate the MATTIE budget was derived from the Charter Schools Association Budget template, and recommended usage by LAUSD for Charter Schools. The template contains calculations for the Local ($3 million), State, and Federal revenues. LAUSD issued bulletins for specific changes to line items in this worksheet (such as COLA percentages, start-up items, etc.). This is a budget "proposal." Upon approval of the charter, revisions to the budget would be made based on updated financial information received. LAUSD totally ignored the Accounting process that required monthly reporting of budgets versus actual; which allows any organization to manage its revenues and expenses.

(c) The Charter School's proposed start up budget includes $250,000 from Loan Financing. If this money is from the State of California Charter School Revolving Loan Program the money will not be available for start up expenses. If the revolving loan application is approved the money will not be received until several months into the fiscal year. If the Loan Financing is from a source other than the State of California Charter School Revolving Loan Program, the charter school has submitted no documentation as to the source of the loan.	Since MATTIE will not be opening in 2011, application for this grant will be submitted in March 2012. By this time, Management team expects to have an approved charter, and —the grant CAN and WILL be used as a start up grant."
The lead petitioners are the same administrative team of a previous MATTIE charter school revoked by Long Beach Unified School District on September 16, 2008 after only one year of operation. The school had a 2008 Base API of just 365. Long Beach Unified School District findings included the following: • Only one of MATTIE's teachers was currently credentialed, • MATTIE employees were hired and initiated employment without requisite, clearances, including one individual with a criminal history that made him ineligible to work with students, • MATTIE did not comply with the curriculum requirements of the charter to use current, grade level specific textbooks used by LBUSD. Unaudited actuals showed that MATTIE spent less than $20 per student on textbooks in 2007-2008, • The school did not obtain Conditional Use Permits for sites housing students, • MATTIE failed to pay large sums to vendors, • Unaccounted for loans with unknown terms were made to the CEO and two employees, while at the same time the	In response to the statements regarding the qualifications and experience of those proposing to open the Charter School, we would like to note that the petitioners proposing to operate MATTIE Charter School are highly qualified Educators with over 20 years of experience in Education and school reform. Charter School petitioners possess strong leadership skills, as well as excellent communication, organization, facilitation, and knowledge of —Best Practices" in Education. These individuals have the unique ability to inspire and motivate others and provide unity and direction in implementing goals. Charter School petitioners are very visible, approachable; therefore, have excellent rapport with teachers, students, parents, and the community. These individuals have impeccable records, integrity and are well respected in the community. (See Community Support Letters from Mayor Jim Dear, Dr. Mervyn Dymally, Assemblyman Warren Furutani, HARD Foundation, National Congress of Black Women, Congresswoman Laura Richardson in Section II Charter Petition). Statements referencing the previous MATTIE Charter School revocation are not valid reasons for denial of a petition.

school was in debt to its teachers for salaries, health benefits, and contributions for work already performed, • Board minutes and agendas were changed without official action.	According to Deputy State Superintendent, Governmental Affairs and Charter Schools, Lupita Alcala, the former LBUSD revocation should not be used as reason for denial. The LAUSD district must only consider the current petition and elements addressed in NEW petition. Thus, none of the points made referring to the previous MATTIE revocation should be used as findings related to the current petition for the charter school. Furthermore, the findings that reference the revocation from LBUSD are erroneous, slanderous, and misrepresent the reasons for revocation. Such statements have been clarified in a letter to LAUSD Superintendent Dr. John Deasy, dated July 11, 2011 from MATTIE Board President Naomi Ferns. (Exhibit 5).
The school initially appealed the revocation to the State Board of Education Advisory Commission on Charter Schools but withdrew the appeal on February 10, 2010. California Department of Education staff found that MATTIE submitted rebuttals to only 8 of LBUSD's 27 findings. CDE staff did not find in favor of any of MATTIE's arguments. This information was obtained from the minutes of the February 10, 2010 meeting of the State Board of Education Advisory Commission on Charter Schools.	On February 10, 2010, The California Department of Education Advisory Commission on Charter Schools (ACCS) voted to allow MATTIE petitioners to withdraw the Appeal and return to their stakeholders and community to reorganize and to" start fresh" with a new charter school **(see Exhibit 4-Excerpts from ACCS Hearing minutes February 10, 2010-pages 21-22)** As a result of the February 10, 2010 ACCS Hearing MATTIE petitioners have made the following changes and /or amendments to the charter school: • New Articles of Incorporation name changed to MATTIE Academy of Change(see MATTIE Charter petition) • Reorganized Board - changed from eleven member Board to six (New Members) (MATTIE Charter petition) • New By Laws /Conflict of Interest Policy (MATTIE Charter Petition)

	• Non-profit status(MATTIE Charter Petition) • Changed location from eight church sites to one public school site(MATTIE Charter Petition) • Signed Contract agreement with Educational Management Organization (EMO) EDFUTURES, INC. (See Contract ED FUTURES) • Obtained financial commitment and fiscal support with Ed FUTURES, INC.(See Ed FUTURES Letter). • Obtained over 50% of signatures, credentials and resumes, of teachers interested in teaching at MATTIE Charter School. (See MATTIE Petition).
On April 5, 2011 the Los Angeles Unified School District Board of Education denied a MATTIE petition that contained multiple inaccuracies, inconsistencies, and substantive deficiencies in certain provisions of its charter petition. For instance, the petition referenced a different inapplicable charter school (—New Hope Academy") multiple times and provides organizational charts that present inconsistent governance structures. The inaccuracies and inconsistencies not only caused LAUSD concern with regard to the lack of diligence that was used in preparing the petition which is intended to control the development and operation of the Charter School, but also called into question the qualifications or experience of those proposing to open and operate the Charter School.	The statement regarding the petition that was denied April 5, 2011 is inconsequential and trivial given that the new petition made no mention of —New Hope Academy". This is erroneous and irrelevant to the findings of the revised version turned in May 16, 2011. Thus, such findings cannot be used to deny the revised MATTIE petition.
MATTIE has contracted with EdFutures, a for-profit management company, for the purpose of having EdFutures manage and administer the charter school. Based on the stated relationship between the charter school and EdFutures in the Agreement between the parties, it is not clear to LAUSD whether the MATTIE board of directors itself will actually be operating the charter school. Not only does the management agreement delegate or create the mechanism to	To address LAUSD's claim of —multiple fiscal problems found", MATTIE included a Letter of Commitment and Financial Support with the proposal **(Exhibit 9, EdFutures Letter of Commitment and Financial Support)** from Eugene S. Ruffin, CEO of EdFutures, Inc. dated May 6, 2011. This letter states that —Per our contract: It shall be EDF duty and obligation, to provide start-up and continuing development and operational services that support the

delegate all charter school-related operations, management and administrative functions to EdFutures, but it inappropriately gives EdFutures control over areas that should be the responsibility of school site staff and the charter school's governing board (for example, identifying and developing curriculum, and coordinating student assessments).	administration of the Charter School on behalf of the Charter School Board. EDF shall be responsible for all operational activities, including start up needs, such as personnel, equipment, books, supplies, materials, and cash flow." —From the revenues managed by EDF on behalf of the Charter School, EDF shall pay all costs associated with operating the Charter School and the EDF school program. This shall include but not be limited to such items as salaries and benefits of personnel, the purchase of curriculum materials, textbooks, computer and other equipment, software, supplies, attorney's fees, materials, and other necessary cash flow." Furthermore, EdFutures Inc., is also committed to seeking further funding for the school through reasonable efforts to raise funds nationally and within the charter school community **(Exhibit 10, EdFutures Contract, Article 6, page 7).** We would like to emphasize that Jose Cole- Gutierrez, LAUSD Director of ICSD told us that if we showed evidence and commitment of financial support, LAUSD would recommend approval of petition. Despite our ability to secure support and a strong commitment from ED FUTURES, Inc. an EMO that has over a decade of experience in developing and operating charter schools, LAUSD still found erroneous and unsubstantiated reasons to deny approval of petition. We have definitely demonstrated that we have a sound fiscal plan necessary to ensure year-round funding for all expenses.
MATTIE has failed to submit any documentation/information in or with the petition to evidence EdFutures past and continued successful management/ administration of charter schools. While EdFutures manages several charter schools in Florida, MATTIE would be the first school that EdFutures will	In reference to the management structure of MATTIE, the Organizational Chart, included in the petition (page 128), clearly delineates the role of the MATTIE Board of Directors. Additionally, the contract agreement. **(Exhibit 10, EdFutures Contract, Article 3, pages 3-4, Article 4, page 5, Article 6,**

have ever managed In California. This is of particular concern to LAUSD considering that, per the petition and Agreement; EdFutures will have extensive responsibilities critical to the successful continued operation of the charter school.	**page 7, Article 7, page 8).** Included in the petition, describes the responsibilities of both MATTIE and Ed Futures. This document, along with the commitment letter from EdFutures clearly states the responsibilities of Ed Futures, Inc. These documents state that MATTIE will be fully responsible for the educational and instructional program and EdFutures, Inc. will be responsible for all fiscal oversight. See contract agreement signed by MATTIE CEO Dr. Denice Price and Eugene Ruffin the CEO of EdFutures, Inc. **(Exhibit 10, EdFutures Contract, Article 3, pages 3-4, Article 4, page 5, Article 6, page 7, and Article 7, page 8).**
	The information below addresses the LAUSD concerns raised about Ed Future's past and continued successful management/ administration of charter schools. We have provided details of the schools that are currently being managed by EdFutures, Inc.
	• Lee Charter Academy, Ft. Myers, FL
	  o •150 students, K-8, traditional program
	  o •Operated since 2004
	  o •Managed since 2007
	• Lehigh Charter School of Excellence, Ft. Myers, FL
	  o 85 students, K-5, integrated arts
	  o Managed and Opened August 2011
	• Burns Science/Technology Charter School, Oak Hill, FL
	  o 300 students, K-8, STEM
	  o Managed and Opened August 2011
	• Ivy Hawn Charter School of the Arts, Lake Helen, FL
	  o 280 students, K-8, full arts program
	  o Managed and Opened August 2011
	• A. Dixon Charter School of Excellence, Pensacola, FL
	  o 200 students, K-6 integrated arts
	  o Opened August 2010 with consultant help from EdFutures, Inc.

	○ Approved for management August 2011 Lee Charter Academy, one of the schools managed by EdFutures, Inc. for the longest term, has received an "A" grade in academic performance for three consecutive years since 2007. We would like to note that although these schools are on the East Coast. EdFutures, Inc. is presently developing new schools in California and partnering with existing schools that face uncertainty during the economic down turn. EdFutures, Inc. is also partnering with schools experiencing financial challenges and excellent academic programs such as MATTIE. They are familiar with laws and regulations pertaining to charter schools including California. We are very confident that EdFutures, Inc. will provide the necessary tools and financial stability that will ensure the success of the MATTIE Academy of Change.
Measurable Pupil Outcomes (Element 2): The petition does not contain a reasonably comprehensive description of measurable pupil outcomes.	To address the point of not identifying a baseline API target, MATTIE would like to refer to page 49 of the petition that identifies a baseline API target. The language is as follows: • MATTIE Academy for Change is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets: • API score of 800 (or growth as required, if applicable). • AYP AMOs as required, currently to reach 100% by 2013-14. • All subgroups make at least 80% of the school target. CST participation rate of at least 95%

Employee Qualifications (Element 5): The petition does not contain a reasonably comprehensive description of employee qualifications.	MATTIE along with EdFutures will follow the federal and state laws, rules, and regulations pertaining to monitoring Teachers credentials. (Exhibit 11, EdFutures Contract Article 7.1, Page 8).
Health and Safety Procedures (Element 6): The petition does not contain a reasonably comprehensive description of the charter school's health and safety procedures.	The response to the Health and Safety issues raised are directly addressed in the original petition on page 64. The charter school assures that they will require all students enrolled will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075.
Means to Achieve a Reflective Racial and Ethnic Balance (Element 7): The petition does not contain a reasonably comprehensive description of the means for achieving racial and ethnic balance.	As stated in the petition on Pages 78,-81 MATTIE Academy states that the school will provide a written plan to achieve and maintain LAUSD's ethnic balance ratio goal pursuant to the Crawford Court Order of 70:30 or 30:70 upon request of the District. Thus, the petition did not fail to describe specifics of the plan given that a plan. A plan was to be presented upon request.
Admission Requirements (Element 8): The petition does not present a reasonably comprehensive description of admission requirements.	MATTIE would like to affirm, as required under Education Code section 47605(d)(1), that the charter school shall not discriminate against any pupil for any other characteristics that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code. (see page 2, 9, 64, and 98).
Annual Independent Financial Audits (Element 9): The petition does not present a reasonably comprehensive description of annual independent financial audits.	As explained in the petition page 87, MATTIE Academy has partnered with EdFutures, Inc. who will be responsible for contracting and overseeing annual independent financial audits. MATTIE will ensure the auditor contracted has prior experience in education finance. As such, MATTIE will utilize the same independent auditor that other EdFutures school uses. Furthermore, a timeline by which audit exceptions will

	typically be resolved by will be presented to the school district upon request.
Suspension and Expulsion Procedures (Element 10): The petition does not present a reasonably comprehensive description of student suspension and expulsion procedures	Suspension and Expulsion Procedures- The petition adequately addresses and expounds on the due process for disciplinary procedures which is described on pages 88 through 95. This section clearly outlines categories of offenses and their repercussions as well as procedures for suspensions (page 89-90). It is clearly stated in the petition that parents/guardians and students will be informed about reasons of suspension and expulsion by writing prior to suspension/expulsion (bottom of page 89). Following notice, there will be a committee that will hold a hearing process that will allow the students and their advocates to give their testimony and documentation prior to suspension.

Los Angeles County Office of Education Findings (LACOE) 12/06/2011	M.A.T.T.I.E. (Multicultural Achievement Technology Teaching & Innovative Experiences) Academy of Change Charter School Responses 12/30/2011
Finding 1: The petition provides an unsound educational program for students to be enrolled in the school. [EC § 47605(b)(1)]. The petition fails to meet evaluation criteria of CCR, Title 5, Section 11967.5.1(a) which states, "a charter petition shall be consistent with sound educational practice' if it is likely to be of educational benefit to pupils who attend..."The Review Team provided the following findings on the proposed educational program with respect to students the school intends to serve: 1. There are insufficient details in the description of the instructional program for it to be considered "of educational benefit to the pupils who attend." There is no description of research-based instructional strategies, coursework, or the independent study program, and no outline of instructional materials to be used except a statement on page 31 that "theschool will have the flexibility of using any state adopted textbooks, whether current or obsolete."	MATTIE's instructional program will be based substantially on the California Curriculum Standards for Grades 6-12, including content standards, learning expectations, accomplishments and benchmarks. Subject areas will include English Language arts, Math, History-Social Sciences, Science, Physical Education, Independent Study, Social Studies, and Foreign Language, Career Development and Technology. The instructional models that MATTIE will employ to ensure that the general education students, English Language Learners, and special needs students have academic success with the core curriculum will be (UDL) Universal Design for Learning (Strangman and Hall, 2003), (SIOP) Sheltered Instruction Observation Protocol, (Muir, 2006). MATTIE will utilize online learning for credit recovery, course options, independent study, and dropout prevention (Watson, Gemin, 2008). Also, UCLA, Cal State Long Beach, and Cal State Dominguez Hills have agreed to provide expertise for professional development, establishing learning communities at the school site as well as providing college prep advisement to students who attend MATTIE ACADEMY. See pages 23-30 of the petition.
2. The mission statement that the school expects "to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing," [sic] is	The entire mission statement and motto can be found on pages 25-26 of the petition n. Additionally, the breakdown of enrollment can be found on page 25 of the petition. The MATTIE Academy Charter Briefing on page 2 of the petition

unclear and could result in a program that only seeks to matriculation students who are in the top 10% nationally and not all students who attend the school.	describes the population and demographics of the students we will serve. MATTIE expects to prepare these at-risk students to become college and career ready and to score in the top 10% on nationally standardized exams.
3. The petition does not provide details supporting its intention to open "an innovative and progressive learning center," and the Academic Course Requirements do not provide for an academic program that would prepare students to score in the "top 10% nationally" on standardized exams.	MATTIE will provide a high quality, standards and research-based instructional program focused on the students achieving and exceeding state academic standards. In addition to the core instructional program, enrichment, extended learning and intervention activities will be provided to support student learning and give students an opportunity to develop a personal understanding and appreciation of the world outside the classroom. See pages 27-35 of the petition.
Finding 2: The petitioners are demonstrably unlikely to successfully implement the program. [EC § 47605(b)(2)]. Based on review of the petition, supporting documents, the Capacity Interview with the school's leadership team, and information regarding the proposed charter management company, the petition does not meet the criteria established in CCR, Title 5, § 11967.5.1(c). The petitioners: 1. Have a past history of involvement in charter schools that was unsuccessful; the petitioners were associated with a charter school of which the charter was revoked.	MATTIE petitioners are highly qualified educators who have worked in large, urban school districts and have expertise in best practices for increasing student achievement. In fact, MATTIE CEO and principal have both been recognized for their work in increasing the academic performance in low-performing public schools. MATTIE CEO wrote an article published "Do The Right Thing", published in Thrust for Educational Leadership; Oct 96, Vol. 26 Issue 2, p18-20. **Exhibit A.** The article describes what she did as the school principal to successfully lead a school in a troubled community and raise test scores at Stephen C. Foster Elementary School in Compton, California. Some of what she did included improvement of the instructional program; increase of parental involvement; teacher selection; professional development and special recognition of students and staff. MATTIE CEO was also selected by Turning Point magazine in February 1997 as a living history maker in education. The MATTIE Principal was featured by Education Week on

	February 1, 1996 for his accomplishments of increasing test scores and high academic student performance at Willowbrook Middle School in Compton, CA.
a. The petitioner/CEO, principal, members of the leadership team, and the board president were associated with the MATTIE charter school revoked by LBUSD Board of Education in 2008. The revocation was appealed to the State Board of Education (SBE), but withdrawn after being heard by the Advisory Commission on Charter Schools (Commission). i. The CDE report to the Commission stated, —The CDE finds the evidence presented to the SBE on appeal to be substantial, and adequate to support the written factual findings of the Long Beach USD Board's Final Decision. Accordingly, the CDE recommends that the SBE uphold the decision of the Long Beach USD Board to revoke the MATTIE charter pursuant to EC Section 47607(f)(4)." The substantial findings were summarized as follows:	MATTIE petitioners, CEO, principal, and parents appeared before the ACCS advisory board on February 10, 2010 and stated that LBUSD shared the responsibility for the revocation of the charter as LBUSD (a). Did not grant MATTIE adequate time for planning prior to opening of school. Charter was approved on August 10, 2007 and directed to open on September 24, 2007 in order to enroll only level three camp returnees, high at-risk and special needs students. (b). LBUSD violated Charter Law by controlling MATTIE student enrollment. All student camp returnees returning to LBUSD were placed and assigned to MATTIE by LBUSD Student Placement Center under the direction of Assistant Superintendent of Student Services. ACCS Commissioner questioned LBUSD as to why MATTIE was allowed to open so quickly without planning. See **Exhibit B**, ACCS Hearing Notes, 02/10/10, page 21. The MATTIE petitioners have re-organized the board and plans to contract with an EMO for business management. LBUSD revoked the charter without considering the needs of the special education students and violated federal and state laws and regulations pertaining to the education of students with disabilities. The District failed to meet the requirements of EC Section 56043(i). The District is out of compliance. See **Exhibit C**, OCR Report, 12 of petition and **Exhibit D**, CDE Report, Case #09-01910-F. As a result of this, the ACCS offered MATTIE petitioners an opportunity to withdraw appeal and to start over fresh. MATTIE petitioners agreed to withdraw appeal and —start fresh". See **Exhibit B**, ACCS

	Hearing Minutes 02/10/10, page 11.
The Board made nine (9) findings demonstrating that MATTIE engaged in fiscal mismanagement within the meaning of EC Section 47607(c)(3) as follows: (1) MATTIE failed to comply with financial reporting requirements; Report on the MATTIE Academy of Change Charter School. (2) MATTIE failed to pay large sums owed to multiple vendors; (3) MATTIE had negative net assets of $909,504 as of May 31, 2008; (4)MATTIE failed to provide a second interim budget and business plan; (5) MATIE failed to pay employees and currently owes employee salary and benefits; (6) MATTIE failed to maintain employee medical benefits; (7) MATTIE failed to maintain workers compensation insurance; (8) MATTIE failed to employ credentialed staff; and (9) MATTIE failed to demonstrate a legitimate budget and/or business plan for the 2008-2009 school year.	These alleged financial mismanagement findings were disputed in the correspondence from the Law Offices of Spector, Middleton, Young, Minney (SMYM). See **Exhibit E**, Letters from SMYM dated 08/19/2008, 09/08/2008, and 09/11/2008. Also, LACOE did not release PSCGP grant fund of $250,000 approved by the CDE Charter Schools Director, State Controller‘s Office, issued to LA County on 01/13/09, warrant #04-323444 per Charter Schools Division. See email from CDE, Hilda Garcia, Staff Services Analyst and Angela Duvane. **Exhibit F.**

2. Are unfamiliar with the content of the petition or the requirements of law that would apply to the proposed charter school. The petition demonstrates the petitioners lack of understanding of: a. The core concepts of independent study, including specific requirements of law. (See Finding 5, Element 1 pages 12).	Independent study will be an alternative to classroom instruction consistent with the school's course of study and is not an alternative curriculum. ISP will provide individual students with a choice of ways to acquire the values, skills, and knowledge all students should gain as verified in a written agreement. See page 36-37 of the petition.
b. The requirements of law regarding English learners. (See Finding 5, Element 1 pages 14).	The instructional models that MATTIE will employ to ensure that the general education students, English Language Learners, and special needs students have academic success with the core curriculum will be (UDL) Universal Design for Learning (Strangman and Hall, 2003), (SIOP) Sheltered Instruction Observation Protocol, (Muir, 2006). MATTIE will utilize online learning for credit recovery, course options, independent study, and dropout prevention (Watson, Gemin, 2008) . Also, UCLA, Cal State Long Beach, and Cal State Dominguez Hills have agreed to provide expertise for professional development, establishing learning communities at the school site as well as providing college prep advisement to students who attend MATTIE.
c. The due process requirements for suspension and expulsion, including the specific rights for students with disabilities. (See Finding 4 page 10 and Finding 5, Element 10 pages 18-20).	The due process requirements for suspension including rights for students with disabilities are fully in compliance with LACOE's policies and procedures and fully explained in Element 10, pages 88-89 in the petition.
d. The requirements of law regarding closure procedures (See Finding 5, Element 16 pages 21-22) in addition to the petitioner's unsuccessful history of following the requirements of law regarding closure.	MATTIE's school closure procedures described in the petition on pages 102-105, is mandatory LAUSD boiler plate language specific to LAUSD. However, in the Description of Changes in petition to LACOE, page 38-39 describes in detail the administration, disposition of assets, notification, and transfer of records.

e. The petition and accompanying bylaws demonstrate a lack of understanding of the Brown Act and Government Code. (See Finding 5, Element 4 page 16-17).	See MATTIE bylaws, Appendix B, pages 3-15 as well as pages 56-57 of the petition that describes in detail MATTIE's compliance with the Brown Act and Government Codes.
3. Have presented an unrealistic financial and operational plan for the proposed charter school. Deficiencies in the financial plan: a. Enrollment projections are unrealistic based on information provided. First year projected enrollment is 525 students, growing to 550 students in the second year, and remaining at that level through year five (5). There is no evidence of outreach or parental interest supporting the enrollment projections.	MATTIE has been working with Parents Choice, the Carson Mobile Home Owners Organization, NCBW (National Congress of Black Women), and NAACP. These special interest groups have written letters of support for MATTIE to operate Curtiss Middle School, an LAUSD middle school which has consistent low API and APY scores. Curtiss has a current population of 600 students. See letters of support **Exhibit G.**
i. The Public Charter School (PCS) grant of $600,000 for planning and implementation (startup) activities. The budgeted amount exceeds the maximum grant amount of $575,000, and is a competitive grant with no guarantee of being awarded.	The Public Charter School (PCS) grant of $600,000 for planning and implementation was submitted with petition to LAUSD in May 2011. It appears the award was decreased in August 2011, however, we can adjust the budget using the award amount of $575,000. We are also aware that this is a very competitive grant and MATTIE petitioners have been successful in obtaining this start-up grant using the same educational program, mission, and goals in 2008 as a charter in Long Beach Unified School District. See Public Charter Schools Grant Program (PCSGP) Grant Award Notification Letter. **Exhibit H.**
ii. CDE Revolving Loan of $250,000 to be received by September of the first year. The school will likely not have access to this loan, if approved, until later in the fiscal year. This will lead to cash flow burden for the school. iii. Unidentified source of grants of $400,000 in the first year and $250,000 annually thereafter. The school relies on other	MATTIE petitioners are aware that if the CDE revolving loan is approved, funds will not be available until later in the fiscal year. We have developed additional sources of funding that includes applying to several private foundations—the S. Mark Taper Foundation, Americorps, Annenberg, Weingart, the Charter Augmentation Grant Program and the California Community Foundation. MATTIE also plans to host several

grants totaling $1.4 million over a five-year period without providing details or evidence of the source of grants. iv. Unspecified source of local revenues in the amount of $625,000 in the first year, growing to $695,000 in year five (5). The school did not identify the source of local revenues totaling over $3.3 million over a five-year period. No evidence was provided to support this source of revenues.	fundraisers throughout the year as well as solicit private donations.
c. Budgeted expenditures is inadequate for the following areas: i. There is no budget for facility lease, repairs, or renovation costs for the five-year period. ii. Only $1,500 total is budgeted for capital outlay including furniture for all five (5) years. iii. There is no budget for power/utilities, water, or custodial services for the five-year period. iv. $800,000 is budgeted in the first year for Ed Futures' management fees and services without sufficient details or the breakdown and basis for these costs. The total management fees and services is over $4.1 million over the five-year period.	The original spreadsheet used for budget for all 5 years was provided by the charter school association. CPA did final review of budget detail. Cash flow shows money disbursed at the time original petition was submitted in May 2011. See detailed financial statement on pages 129-137 of petition.
vi. The loan from EdFutures and the repayment of principal and interest expense are not reflected in the budget.	There is no loan from EdFutures listed in this budget. See detailed financial statement on pages 129-137 of petition.
v. The budget does not include loan repayment and related interest expense for the CDE Revolving Loan of $250,000.	The fact that the budget is unrealistic is subjective. The original spreadsheet used for budget for all 5 years was provided by the charter school association. CPA did final review of budget detail. Cash flow shows money disbursed at the time original petition was submitted in May 2011. See detailed financial statement on pages 129-137 of petition.
d. Cash flow projections are unrealistic and do not provide for the necessary funds for start-up and on-going operations.	The fact that the budget is unrealistic is subjective. The original spreadsheet used for budget for all 5 years was

i. Cash flow projections do not follow the established apportionment schedule and fail to consider state deferrals; the entire revenues for the general purpose funding is unrealistically projected to be received in three (3) installments without any plan for deferrals into the following fiscal year. For the fiscal year 2011-12, School Services of California, Inc. estimates the deferral of cash flows into the following fiscal year to be approximately 38%.	provided by the charter school association. CPA did final review of budget detail. Cash flow shows money disbursed at the time original petition was submitted in May 2011. See detailed financial statement on pages 129-137 of petition.
ii. The petitioner relies on the Public Charter School grant for start-up costs, but is unlikely to have access to these funds for start-up activities. The school projects full cash receipt from the PCS grant of $600,000 (exceeding $575,000 maximum) toward the beginning of its first year of operation, which is unlikely based on recent years disbursement pattern.	The Public Charter School (PCS) grant of $600,000 for planning and implementation was submitted with petition to LAUSD in May 2011. It appears the award was decreased in August 2011, however, we can adjust the budget using the award amount of $575,000. We are also aware that this is a very competitive grant and MATTIE petitioners have been successful in obtaining this start-up grant using the same educational program, mission, and goals in 2008 as a charter in Long Beach Unified School District.
Deficiencies in the operational plan: a. The plan for administrative and back-office support is insufficient for successful implementation. i. MATTIE executed an agreement with EdFutures to manage the school‘s operations and fiscal requirements. The CEO of EdFutures acknowledged it has no charter school clients in California and currently does not have the full complement of staffing to manage and support MATTIE‘s operation.	ExED will be providing back office services for MATTIE Academy of Change. ExED will perform all accounting, financial statement reporting, budgeting and payroll functions. ExED will prepare weekly cash position reports for the school, monthly financial statements that include an income statement, balance sheet, cash flow forecast and a financial dashboard. ExED will present these financials at the school‘s board meetings at least quarterly. ExED will perform all audit preparation services at the end of the year. ExED will establish strong internal controls at the school site so that assets are safeguarded and train all school staff on cash handling, segregation of duties, bill procurement, and purchasing processes. The budgeting process will begin in February of the year prior to the fiscal year and will include all key stakeholders. The budget will be board approved prior to the start of the fiscal year. All financial reporting required by

	the State will be performed by ExED including the first interim, second interim, unaudited actuals and budget report. See email from ExED Chief Operating Officer. See **Exhibit I**
ii. EdFutures did not provide audited financial statements to LACOE, contrary to the petition's Description of Changes to Petition for LACOE (page 32), which states EdFutures will submit its audited financial statements to LACOE.	EdFutures did in fact submit financial statements to LACOE, specifically Vo Chan, Financial Operations Consultant in the Los Angeles County of Education's Controller's Office on Tuesday, November 22, 2011. Please see email strands from Vo Chan and the CPA of EdFutures. Vo Chan also sent email confirmation to MATTIE CEO as to the receipt of financial statements from EdFutures CPA. **See Exhibit J**
iii. EdFutures commitment of financial support is insufficient for the school's start-up costs budgeted at over $500,000 as well as on-going operational costs due to deferrals. The petition (page 6) and the agreement with EdFutures states the management company will be responsible for all operating activities and cash flow needs and will cover any deficits; however, the CEO of EdFutures stated it will only commit to loan the school a maximum of $250,000 with interest rates between 8% and 10%.	See EdFutures Letter of Commitment dated 05/06/2011 and contract dated 05/16/2011 describe in detail as to the support EdFutures will provide MATTIE. EDF shall be responsible for all operational activities, including start up needs, such as personnel, equipment, books, supplies, materials and cash flow. It is understood that while EDF is responsible for obtaining such funds all funds will either be grant, operating or debt capital. **See Exhibits K and L**
iv. There is a different understanding of the agreement between MATTIE and EdFutures, which is likely to result in the same type of relationship outcomes between the charter and the management company cited in the Oakland Unified School District report cited on page 8. The Review Team interviewed both parties separately regarding the agreement and identified different understandings of the terms including the following: (1) There is a discrepant understanding of the amount of start-up funds EdFutures will provide as described above; (2) The petitioner stated members of the executive team (executive director, principal, special education, curriculum, and English learner leads) have been identified by the board of directors; EdFutures stated it will recruit for all	LACOE's statement as to MATTIE and EdFutures having differences in understanding of their agreement is purely speculative and biased, as the outcomes cannot be predicted by LACOE, MATTIE, or EdFutures. Furthermore, LACOE has never interviewed MATTIE or EdFutures about their agreement, so their statements as to the outcomes in Oakland Unified School District are irrelevant to MATTIE's petition. MATTIE petitioners and Oakland Unified are two completely different organizations, established by two entirely different entities. So for LACOE to compare MATTIE to Oakland Unified and make the following statement ~~is~~ likely to result in

administrative and teacher positions to ensure the school has qualified staff; and (3) The petitioner stated (and is corroborated by the petition's organizational chart) that EdFutures will report to the Executive Director; EdFutures stated it will report directly to the school's governing board.	the same type of relationship outcomes" infers that MATTIE petitioners have the same experiences and backgrounds is purely biased and unfair.
4. Lack the necessary background in and do not have a plan to secure the services of individuals who have the necessary background in curriculum, instruction, assessment, and finance and business management. a. The petitioners' lack of background in curriculum, instruction, assessment are documented under the findings presented in #2 above and in Finding 5, Elements 1, 2, and 3.	MATTIE petitioners are highly qualified educators who have worked in large, urban school districts and have expertise in ~~"~~best practices" for increasing student achievement. In fact, MATTIE CEO and principal have both been recognized for their work in increasing the academic performance in low-performing public schools. MATTIE CEO wrote an article published ~~"~~D The Right Thing", published in Thrust for Educational Leadership; Oct 96, Vol. 26 Issue 2, p18-20. **Exhibit M** The article describes what she did as the school principal to successfully lead a school in a troubled community and raise test scores at Stephen C. Foster Elementary School in Compton, California. Some of what she did included improvement of the instructional program; increase of parental involvement; teacher selection; professional development and special recognition of students and staff. MATTIE CEO was also selected by Turning Point in magazine in February 1997 as a living history maker in education. The MATTIE Principal was featured by Education Week on February 1, 1996 for his accomplishments of increasing test scores and high academic student performance at Willowbrook Middle School in Compton, CA.
b. The petitioners lack background in finance and business management and do not have a plan to secure the services of individuals who have the necessary background. The	This is an assumption that is not true, as one of MATTIE's petitioners, the Project Facilitator, has a Bachelor of Science degree in Business Administration and Certification in Project

petitioners' lack of background is documented in #3 above and in Finding 5, Elements 9 and 11. The petitioner's plan to relieve concerns regarding their past performance by securing the services of EdFutures' does not achieve that outcome and results in additional concerns:	Management. She a business management professional with over 30 years experience encompassing various aspects of business operations: Project Management and Strategic Planning, Customer Relations and Client Interface, System and Business Analysis, Financial and Tax Accounting, and Disaster Recovery Planning. She has also served as Treasurer and CFO for an Education Technology Foundation for 7 years. She also served 4 years as the National Finance Director for the National BDPA IT Thought Leaders.
i. EdFutures and its CEO have a history of unsuccessful charter school operation documented in the findings of fact presented in the Oakland Unified School District (Oakland) report on Peacemaker Leadership Academy. Oakland's Board of Education denied the petition, in part, because the involvement of EdFutures violated Education Code § 47605: The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. The staff report includes the following facts:	EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.
• EdFutures' founder, Eugene Ruffin previously founded and was CEO of School Futures Research Foundation (School Futures), a non-profit charter management organization funded by John Walton. School Futures was awarded five (5) charters by Oakland's Board of Education in 1999. Three (3) charter petitions were abandoned, and two (2) opened as Dolores Huerta Learning Academy (closed 2009) and EC Reems Academy of Technology and Arts. These charters indicated School Futures had	EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.

poor fiscal management, lack of financial oversight or checks and balances, and persistently problematic communication.	
• The two (2) Oakland charters and an East Palo Alto charter school operated by School Futures discontinued association and operation with School Futures and established their own non-profit status. School Futures dissolved. Bannekar Charter, operated by Ruffin's School Futures, was revoked in 2001. An audit critical of the school's operation cited failure to (1) follow state school accounting procedures; (2) provide detailed financial information to the school's own board; (3) do criminal background checks on teachers; and (4) inform the university when a student brought a gun to class; and that the school had (4) "persistent and pervasive problems" paying teachers and vendors and could face a $1 million deficit….	EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.
• A July 23, 2002, San Diego City Schools staff report outlined the dissolution of the relationship between School Futures and Holly Drive Leadership Academy. The report indicated that, following an external audit, the district had concerns about the "school's governance structure" and "financial and academic viability."	EdFutures CEO co-founded and served as CEO of School Futures Research Foundation and American Education Reform with John Walton as co-founder and Chairman. The Walton Family Foundation provided the support required to develop extensive public education research and analysis while supporting charter schools. EdFutures was founded in 2001 after developing and operating server charter schools. In essence, EdFutures find visionary leadership and other stakeholders and provide the necessary tools to ensure success. See website: www. http://www.edfuturesinc.com.
• EdFutures website stated in February 15, 2008, that it "operates four start-up charter schools" in Georgia, Florida, and Hesperia, California. Oakland confirmed with the Hesperia school that the school renounced its consulting contract with EdFutures due to significant	**Statement as to this allegation from EdFutures:** The founder of the school in Hesperia chose to renounce its contract with EdFutures, Inc., immediately after EdFutures education staff conducted an on-site review of the school. That review indicated that uncertified teachers were on staff

communication and fiscal issues.	including the founder's husband, that the school was not providing sufficient instructional materials including textbooks, that instructional practices of many teachers were inconsistent with high quality instruction and high expectations for students, that the founder (who served as the school's principal) and her husband (social studies teacher) were periodically taking one month leave of absences without either having salary reduced for the absences, and that the site was unsafe for students. The district closed the school within one year after EdFutures stopped providing services to the school.
• In 2005, the Nevada State Board of Education denied a petition for Marion Bennett Leadership Academy to be operated by EdFutures. The subcommittee's recommendation for denial included concerns about the school's lack of curriculum and specifically cited concerns about financial aspects of the application involving EdFutures.	**Statement as to this allegation from EdFutures:** Clark County, Nevada, clearly did not want a charter school in the district and at the time had no charter schools. The newly appointed charter school coordinator, who had no prior charter school experience and limited knowledge of curriculum and instructional practices provided erroneous information to the superintendent and the board of education, including that the school would not use approved textbooks, that the management contract was illegal despite EdFutures pointing out that it was nearly identical to its current contract with Edison Education that was providing management services to several underperforming schools, that the school would charge parents for services, that the school would hire uncertified teachers, that the school would not follow state testing schedules, and that the petition contained typographical errors. These and other inaccuracies were presented to the Nevada State Board of Education during an appeal and the state board committee simply accepted Clark County's recommendation for denial.
• The State of Louisiana revoked charters awarded to EdFutures just weeks before the start of school in 2006	**Statement as to this allegation from EdFutures:** EdFutures prepared a charter petition for three charter schools in New Orleans and during the review, the charter

citing "philosophical differences" between EdFutures and a social services organization with whom they proposed to open the school.	review committee indicated that the petition was the best they had seen. EdFutures was actively involved in preparing to open the school and had invested heavily in the three schools. Sometime after the school was approved, the newly appointed charter school board began usurping EdFutures' operational authority for preparing to open the schools including reducing management fees, discarding the approved administrative selection procedures, and otherwise compromising the agreed upon management contract provisions. Recognizing that working under such conditions would likely limit effective management and school success, EdFutures voluntarily withdrew. Consequently, the charter was revoked with the state charter school citing that the charter school board did not have the expertise or background needed to operate three successful charter schools.
• A 2006 staff report to the Tennessee State Board of Education recommending denial of a petition states, "EdFutures apparently has charter schools operating in Georgia and Florida. Its website states, 'In 2005 EdFutures will operate schools in California, Tennessee, Texas, Michigan and Nevada. In 2006 Louisiana and Arizona will be added.' However, as of January 2006, EdFutures did not have schools operating in any of those states. Nor have any applications been approved in those states."	**Statement as to this allegation from EdFutures:** EdFutures posted plans on its website to open charter schools in the near future with expectations that such charter schools would be approved. While EdFutures did work with several groups and assisted in the preparation and submission of charter petitions, many were not approved and those in Louisiana that were approved did not open as stated above. The process of preparing charters and actually opening charters is recognized as a challenging and difficult process and it is not unusual for planned charters to not open.
• The EdFutures annual report letter states its University Community Academy received the Georgia School of Excellence award for 2006. Oakland researched the 2005, 2006, and 2007 schools receiving the award; University Community Academy was not listed.	**Statement as to this allegation from EdFutures:** University Community Academy in Atlanta, Georgia was a highly successful school and indeed earned the Georgia Distinguished School award for three consecutive years (2007, 2008, and 2009). Additionally the school achieved federal AYP for five consecutive years (2005, 2006, 2007,

	2008, and 2009). Below is a report from the Georgia Department of Education of 2008-2009 Title I Distinguished School Awards with University Community Academy appearing on Page 13. **EXHIBIT N**
• The EdFutures 2007 annual report letter states that its Good Schools for All charter school in Delray, Florida was closed in 2007 due to low enrollment.	**Statement as to this allegation from EdFutures:** EdFutures did operate Good Schools for All in Delray Beach, Florida for two years despite low enrollment. To do so, EdFutures invested heavily in the school as it has always been committed to serving at-risk and low performing students. After two years of providing such services and resources, EdFutures recommended to the school's charter school board that the school be closed. The board approved the recommendation and EdFutures worked closely with the district to return all property purchased with state funds, send all student records to the district, and communicate with parents.
c. The LACOE Review Team identified additional concerns regarding EdFutures as follows: i. The management company currently operates no charter schools in California and currently lacks capacity to do so.	A July 23, 2002, San Diego City Schools staff report outlined the dissolution of the relationship between School Futures and Holly Drive Leadership Academy. The report indicated that, following an external audit, the district had concerns about the "school's governance structure" and "financial and academic viability."
ii. It currently operates Lee Charter Academy in Florida, which has an unsuccessful academic achievement ranking. The 2011 school rating from the Florida Department of Education was an "F" according to the state's website. Concerns regarding the school under the operation of EdFutures can be found in a June 30, 2011, Florida News-Press article.	Lee Charter Academy in Ft. Myers, Florida serves a highly at-risk population with significant economic challenges. Following state school ratings of F and D under another management company, the school was rated as an A school for three consecutive years. This was accomplished by improving performance in reading of low performing students and writing of all students and qualifying under Safe Harbor provisions of Florida's school rating process. Following the 2011 school year, the state increased rigor in writing and reading requirements; consequently, the school did not

	qualify for Safe Harbor and received an F rating. Considering the low enrollment and challenged population being served, such a rating is not unusual. Parents and community are solidly behind the school and the principal, and enrollment has been maintained for the 2011-2012 school year. The CharterSchoolsScandals.com blog is not considered a reliable source of information as it reports unsubstantiated allegations. It can be noted that none of the allegations have been confirmed by the Florida State Department of Education and the Lee County (Florida) Public Schools.
iii. By Nevada state law, (Nevada Revised Statutes Section 78.150; NRS 78.150) all Nevada Corporations and Limited Liability Corporations (LLC) are required to file an —Annual List" at the end of the month following the month that the business entity was formed. Then, each year on the anniversary date of the formation, a new Annual List must be filed. That same website maintains an electronic filing of the —Annual List" report. According to the report, as of September 2011, EdFutures had dissolved in November 2000.	According to the California Secretary of State business portal, EdFutures, Inc. is an active corporation established on January 01, 2008, Entity Number C3088029. See attachment from California Business Entity Detail. **Exhibit O**
iv. It is unclear whether the EdFutures agreement with MATTIE allows the school's governing board to retain fiscal control.	The organizational chart clearly shows that MATTIE Board of Directors and makes the ultimate decision. See page 128 in petition.
• The agreement fails to specify how excess revenues (profits) would be directed and whether the board retains any control over how the funds would be directed. It grants the management —authority to capture and direct the utilization of any excess of revenues over expenditures." (page 7)	The organizational chart clearly shows that MATTIE Board of Directors and makes the ultimate decision. See page 128 in petition.
• The agreement only requires EdFutures to notify the governing board of material changes to the budget rather than obtain its approval. It states, EdFutures —expenditures in connection with the operation of the charter school shall	MATTIE Leadership Team and Board have been meeting with EdFutures since January 2009 and have designed a model to assist MATTIE to overcome their financial challenges and accomplish their goal of operating a

not deviate materially from the submitted proposed budget without prior notice to the board." (page 7). The school's leadership team and governing board stated at the Capacity Interview that it had not researched the record of EdFutures.:	successful charter school to serve the at-risk students in targeted, low performing school communities.
Finding 3: The petition contains the required number of signatures. [EC § 47605(b)(3)].	This finding appears to be unclear as petition does, in fact, contains all required number of signatures per [EC § 47605(b)(3)].
Finding 4: The petition does not contain an affirmation of all specified assurances. [EC § 47605(b)(4); EC § 47605(d)].	The petition clearly states on page 9 the following affirmations and assurances: In accordance with Education Code Section 48200, if a pupil is expelled or leaves the charter school without graduation or completing the school year for any reason, the charter school shall notify the superintendent of the school district of the pupil's last known address within 30 days, and shall, upon request, provide that school district with a copy of the cumulative record of the pupil, including a transcript of grades or report card, and health information.
Finding 5: The petition does not contain a reasonably comprehensive description of all required elements. [EC § 47605(b)(5)(A)-(P)]. **Element 1: Description of the Educational Program. Not reasonably comprehensive.** **The 5 CCR § 11967.5.1(f)(1) requires the petition to address eight (8) requirements. The petition fails to meet these evaluation criteria rendering aspects of the educational program deficient for specific populations of students: Low-achieving and socio-economically disadvantaged students, students with disabilities, English learners, and students who participate in independent study. Findings are as follows:**	The targeted student population and demographics can be found on pages 24-28, 37-40. MATTIE will serve 525 or more inner-city, at risk students in Carson grades 6 thru 12 in a No Child Left Behind, Title I area. The student population includes African-American, Asian, American Indian, Filipino, Hispanic, Pacific Islanders, White, Special Education, Gifted and talented, English Language Learners, and economically disadvantaged students. MATTIE expects to prepare these at-risk students to become college and career ready and to score at the top 10% of the national standardized testing. An educated person will be well versed in the trends driven by the transition from a product-oriented society to that of an information society - one in which access, management, and application of large amounts of information for services-

1. There are deficiencies in the description of the school‟s target student population which must, at a minimum, include grade levels, approximate numbers of pupils, and specific educational interests, backgrounds, or challenges. **a. The targeted student population is not clear. The petition states on page 24, "We have determined and have developed instructional strategies for students not on alternate curriculum in community based instruction students not expected to pass the CAHSEE and are working on alternate graduation standards, students who are deaf and hard of hearing, and students with learning disabilities, using grade level standards." However, on page 25 it states, "We expect to matriculate students who are college or career ready based on their superior (top 10% nationally) of students according to performances on standardized testing."** **b. The petition does not comply with the requirement to identify the specific educational interests, backgrounds, or challenges of the 50% of the student population likely to be English learners or other student populations the school proposes to serve.**	related productivity will be paramount. The educated person will have a practical and theoretical grasp of technology in its many forms and will be capable of seeing opportunities for technology applications to new and emerging problems of a social and personal nature. This person will also understand how to search for understanding and answers to life‘s challenges, and will do so with a keen eye towards the diverse constellation of culture, gender, and other influences. The mission statement can be found on pages 25-26 of the petition.
2. The petition fails to specify a clear, concise school mission statement with which all elements and programs of the school are in alignment and which conveys the petitioners‟ definition of an "educated person" in the 21st century, belief of how learning best occurs, and goals consistent with enabling pupils to become or remain self-motivated, competent, and lifelong learners.	

a. The mission statement is not clearly linked to the needs of English learners or students with disabilities. Additionally, the petition states (page 25) the school expects to matriculate "students who are college or career ready based on their superior (top 10% nationally) of students according to performance on standardized testing," which contradicts the statement (page 24) that the school proposes to serve students who would not meet this criteria. **b. The petitioner"s definition of an educated person in the 21st Century is not coherent and does not reflect current educational pedagogy on this issue. The following analysis highlights a few of the deficiencies in the definition of an educated 21st Century learner:** **i. The statement, "The purpose of education in the beginning of the 21st Century is to prepare people to lead productive lives, to enjoy their constitutional rights of „lfe, liberty, and the pursuit of happiness"" lacks the broad scope of knowledge, competencies, and dispositions necessary to develop global awareness, environmental literacy, health literacy, civic literacy, environmental literacy; be able to collaborate, communicate in diverse settings, use and apply information in innovative ways to meet complex challenges, etc.:**	
ii. In the statement, "With the emphasis on performance-based learning, students will emerge from the school as competent as measured by state and national tests." there is no explanation of how performance-based learning translates to competency on state and national tests, which are not performance-based assessments.	This statement is very opinionated and subjective.

The petition reflects a lack of understanding of the term "competency" in the 21st Century. Current state and national tests largely measure knowledge of content, not skills and competencies needed for success in college and career in the 21st Century.	
c. There is no integration of the definition of "What it means to be an educated person in the 21st century" with the proposed instructional design.	This statement is very opinionated and subjective.
3. The petition lacks a framework for instructional design that is aligned with the needs of the pupils that the charter school has identified as its target student population. **a. The lack of a clearly defined target population makes it difficult to determine how the instructional design is aligned to meet the needs of the students the school will serve. The petition does not explain how the proposed instructional design is aligned to meet the needs of each population of students the petition is required to address including English learners, students with disabilities, and academically high and low achieving students.**	The targeted student population and demographics can be found on pages 24-28, 37-40. MATTIE will serve 525 or more inner-city, at risk students in Carson grades 6 thru 12 in a No Child Left Behind, Title I area. The student population includes African-American, Asian, American Indian, Filipino, Hispanic, Pacific Islanders, White, Special Education, Gifted and talented, English Language Learners, and economically disadvantaged students. MATTIE expects to prepare these at-risk students to become college and career ready and to score at the top 10% of the national standardized testing. This statement is very opinionated and subjective.
b. There is no description of how the school will determine when, for what purpose, or for which student populations the list of instructional strategies will be utilized or the reason for the choice of strategies, identified as "student investigations, cooperative/collaborative learning, whole group instruction, independent and self-directed learning, peer coaching, graphing, concept mapping, self-assessment, research and simulations."	Students learn through a variety of experiences. They learn when they are challenged and given the necessary support and resources that enable them to meet expected goals and objectives as required in an academically rigorous yet motivational environment. This environment must include emphasis on the arts, ethical values, the social, physical and emotional well being of each student and experiences that give meaning to what the student is taught. The school will provide a high quality, standards- and research- based instructional program focused on the students achieving and exceeding state academic standards. In addition to the core

	instructional program, enrichment, extended learning and intervention activities will be provided to support student learning and give students an opportunity to develop a personal understanding and appreciation of the world outside the classroom. See pages 25-27 of the petition.
c. Information provided about the instructional program is inconsistent. For example, on page 8, the petition describes a "weekly Intervention Day" where students select a subject that interests them. Later in the petition, it indicates student data will be used to make instructional decisions. Allowing a student to select a subject for "Intervention" does not guarantee the intervention will meet the student"s academic needs and ensure progress toward meeting state standards.	On the weekly Intervention Day, students may select an area of interest they want to explore, or receive additional help or coaching to improve in the selected area of interest. Teachers will use student data such as test data, weekly quizzes, chapter tests, or to drive instruction.
d. There is no description of how the program of independent study proposed in the petition is aligned with the academic needs of specific subgroups of students to be served.	ISP will be a short-term program designed for all students with chronic attendance problems, extenuating, or —Special circumstances. See page 37 of the petition. In addition, MATTIE will offer a virtual program courses designed for students in grades 6-12 including college prep, honors and advanced placement courses. Students will have 24-hour access to learning from a computer at any location. See pages 35-37 of the petition.
4. There are deficiencies in how the program will be implemented through the basic learning environment or environments identified in the petition. Deficiencies regarding independent study: The Independent Study Program (ISP) demonstrates lack of understanding of the core concepts of independent study, including requirements of law. The following deficiencies provide evidence the proposed ISP will not be implemented successfully for benefit of the students. 138-140	MATTIE's Independent study Program will be an alternative to classroom instruction consistent with the school's course of study and is not an alternative curriculum. ISP will provide individual students with a choice of ways to acquire the values, skills, and knowledge all students should gain as verified in a written agreement. Refer to pages 36-37 and 45-46 of the petition.

a. The petition misrepresents the purpose of ISP and violates specific requirements of law.	
i. The described ISP violates the requirement that it be strictly voluntary. The petition states special education students will be referred to ISP and that ISP may be used as an administrative remedy to student problems.	Participation in independent study must be voluntary: a choice made by the student, parent, guardian, or caregiver, and the teachers—not an administrative decision of last resort. Refer to page 36 in the petition.
ii. The petition states (page 38), "In ISP the student's performance, measured by the terms of the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance." This statement is problematic in two (2) ways: First, the student's academic performance shall in no way be the determining factor for apportionment (school days), which may be based solely on the completion of work and the time equivalent that the supervising teacher determines the value to be. Second, the last sentence "...as if the student were physically in attendance" misrepresents the purpose of independent study.	This finding is unclear, as this statement was not made on page of the petition. However, page 36-37 addresses the attendance policies for ISP students. Attendance records will be based on a student's work within the terms and conditions of his or her written agreement and not on traditional —seat-time. In ISP the student's performance, measured by the terms in the agreement, is converted by the supervising teacher into school days. The computed schooldays are reported as if the student were physically in attendance. Therefore, in addition to the requirements of compulsory school attendance, independent study must be the voluntary choice of each student, and each student must be motivated to study on his or her own as prescribed by the agreement. These are essential components for a student's progress and educational success.
iii. There is no provision for maintaining activity logs or other documentation required by law. Apportionment can only be claimed for those days that the student is engaged in educational activities.	Students will report to an assigned coordinator/counselor weekly to turn in and pick up weekly assignments. Students will sign in and out. The coordinator/counselor will keep track/record of students' attendance and will be responsible for grading students' work. See page 37 of the petition.
iv. There is no evidence of employing credentialed teachers as required by law. The petition references students reporting to a "counselor/coordinator" without	MATTIE petitioners are highly qualified educators who have worked in large, urban school districts and have expertise in best practices for increasing student achievement. In fact,

assurance the individuals will be credentialed in the appropriate subjects.	MATTIE CEO and principal have both been recognized for their work in increasing the academic performance in low-performing public schools. The teachers hired for the MATTIE ACADEMY will be highly qualified as stipulated by NCLB and the CTC. Each hired teacher will have earned their BA Degree as well as have passed the CBEST, CSET 1-3. CLAD, and RICA. All Resource Specialists and will also have passed the CBEST, CSET 1-3, RICA, and Added Authorization of Autism by June 2013. Additionally, all hired teachers will be assigned to teach subject per their credential authorization. All school staff will be required to undergo a criminal background check and fingerprinting through the local police department prior to hiring. Please see pages 38-38 and 63-73 of the petition for job descriptions and qualifications.
b. The proposed ISP conflicts with the requirement that Independent Study be substantially equivalent to a classroom-based program. The description of the ISP indicates the components are not shared by the classroom program.	This is an inaccurate statement, as a complete description of the ISP program can be found page 36-38 of the petition. As a recognized alternative to regular classroom study, ISP will equal or be superior in quality to classroom instruction. Instruction through Independent Study: • Allows students to study at their own pace within the limits of compulsory attendance requirements. • Creates a bridge between the school and the community. • Challenges each student to excel in his or her area of special interest and abilities. • Provides an alternative for students to achieve competency and mastery in basic skills. • Allows children to be educated at home. • Encourages the student‘s resourcefulness.

	• Facilitates the student's active participation in his or her own education. • Offers real flexibility in the design of an educational program, including the grouping of independent study students to focus on common educational objectives. • Offers effective educational choices to students and families. • Participation in independent study must be voluntary: a choice made by the student, parent, guardian, or caregiver, and the teachers—not an administrative decision of last resort.
c. The proposed ISP lacks an instructional design that can meet the needs of high risk students. ISP is described as a "self-study" program, which is unlikely to meet the needs of high risk students who typically need intensive, high-quality, direct instruction provided by highly qualified teachers.	This is an inaccurate statement, as a complete description of the ISP program can be found page 36-38 of the petition.
Deficiencies regarding instructional minutes: **a. No bell schedule is provided for grades 6-8. The sample bell schedule (page 43) was for grades 9-12 only. Without the bell schedule, it cannot be determined whether the school would meet the minimum annual instructional minutes for grades 6-8.**	The school's academic calendar and sample daily schedule, which explain the rationale for allocation of instructional time to different subject matter areas, as well as an assurance that the school will offer, at minimum, the number of minutes of instruction set forth in Education Code § 47612.5. Grades 6-8 and 9-12 will use the same bell schedule. Please see bell schedule on pages 41-42 of the petition.
b. It cannot be determined whether the school would provide an adequate number of instructional minutes. The sample bell schedule included a minimum day schedule. However, the annual instructional calendar (Appendix G-3) does not indicate when minimum days would be held.	LAUSD had not set their 2011-2012 calendars. At the time of original submission. The school will comply with and/or exceed the state minimum requirements for 6th – 8th grade level of 54,000 instructional minutes and 64,800 instructional minutes for grades nine through twelve. MATTIE Academy of Change will include all educational time under immediate supervision of a certified teacher and tutorial time in the middle of the day with a closed campus. See page 42 of the

	petition. The school will comply with and/or exceed the state minimum requirements for 6th – 8th grade level of 54,000 instructional minutes and 64,800 instructional minutes for grades nine through twelve. MATTIE Academy of Change will include all educational time under immediate supervision of a certified teacher and tutorial time in the middle of the day with a —closed campus. Please see page 42 of the petition that describes the instructional minutes.
c. The bell schedule is inconsistent. On page 44, the petition indicates the block schedule format will consist of three 90-minute classes per day. The block schedule included indicates 95, 98, 95, and 50 minute periods. Passing times included in the schedule are inconsistent. They are indicated in the schedule for the times 1:40 - 1:50 PM, but not indicated for the space of time between nutrition and period 3, and Lunch period 5.	The petition does not state the bell schedule on page 44. Bell schedule for grades 6-8 and 9-12 can be found on page 41 of the petition. Students will follow block schedule format with three 90 minute classes per day plus a nutrition and lunch break. See pages 41-43 of the petition for complete bell schedule.
Deficiencies regarding attendance accounting and state reporting: The petition does not indicate how attendance accounting and state reporting will be done or by whom. The EdFutures contract does not specify whether it will provide attendance accounting or state reporting preparation.	See EdFutures letter of commitment and contract. It states ~~"~~It shall be EDF duty and obligation, to provide start-up and continuing development and operational services that support the administration of the Charter school on behalf of the Charter School's Board".
a. The petition fails to indicate the instructional approach or approaches the charter school will utilize, including, but not limited to, the curriculum and teaching that will enable the school's pupils to master the content standards for the four core curriculum areas adopted by the SBE pursuant to EC § 60605 and to achieve the objectives specified in the charter.	Mattie Academy will incorporate a wide variety of instructional strategies designed to address the different learning styles (kinesthetic, auditory, visual) and the developmental needs of students ages 12-18 that will be served. The school will provide the teachers with the students' academic strengths and weaknesses based on the 2010-2011 CST scores of the last school that the students attended. The transition planning strategies will be determined when the special

	education student is 16 years old. The transition planning will be determined by ensuring dates and procedures for the student to apply for a Social Security card, driver's license, and allowing the student to explore difference career development paths and to participate in the community service learning programs as well as internships. Pages 24-62 and 138-140 of petition.
i. There is no description of the instructional strategies the school will use to deliver curriculum. The petition provides a list of strategies, but does not differentiate their purpose or application. While the petition states in several places that it will use research-based techniques, it fails to identify the research or describe those techniques.	MATTIE Academy will incorporate a wide variety of instructional strategies designed to address the different learning styles (kinesthetic, auditory, and visual) and the developmental needs of students ages 12-18 that will be served. The school will provide the teachers with the students' academic strengths and weaknesses based on the 2010-2011 CST scores of the last school that the students attended. The transition planning strategies will be determined when the special education student is 16 years old. The transition planning will be determined by ensuring dates and procedures for the student to apply for a Social Security card, driver's license, and allowing the student to explore difference career development paths and to participate in the community service learning programs as well as internships. See pages 24-62 and 138-140 of petition.
ii. The stated flexibility of using any state-adopted textbooks, whether current or obsolete (page 33) lacks adequate explanation of how the school would ensure the educational program addresses required content standards if obsolete textbooks are utilized. No state-adopted textbooks are identified with the exception of the English learner curriculum:	The school will have the flexibility of using any state-adopted textbooks, whether current or obsolete. Furthermore, the instructional program is designed to meet the needs of students, provide developmentally appropriate challenges, and support personal growth through mentoring. Note that textbooks are to be used to support the overall curriculum and California Content Standards. Textbooks are not the curriculum but are important resources to teachers to address required content and skills. In addition, MATTIE will offer a virtual program courses designed for students in grades 6-12 including college prep, honors and advanced placement

	courses. Students will have 24-hour access to learning from a computer at any location. See pages 31-40 of petition.
iii. The plan for delivering curricular goals identified in the petition is unclear and inadequate. Curriculum descriptions of the four core areas (and PE) found on pages 34-38 are copied and pasted from portions of the California State Frameworks for Reading/Language Arts, Mathematics, History-Social Science, Science, and Physical Education. The petition does not explain how the goals taken from these documents will be addressed.	The teachers in the school's daily instructional program will implement the California State Content Standards for each core subject. MATTIE will instill this practice to be in compliance with the California Educational Subject Frameworks. This practice will ensure that our students are learning what is expected for each subject at their grade level. See page 7 of the petition.
iv. There is no description of how the school"s curricular approach will meet the needs of English learners and students with disabilities.	The instructional models that MATTIE will employ to ensure that the general education students, English Language Learners, and special needs students have academic success with the core curriculum will be (UDL) Universal Design for Learning (Strangman and Hall, 2003), (SIOP) Sheltered Instruction Observation Protocol, (Muir, 2006). MATTIE will utilize online learning for credit recovery, course options, independent study, and dropout prevention (Watson, Gemin, 2008) . Also, UCLA, Cal State Long Beach, and Cal State Dominguez Hills have agreed to provide expertise for professional development, establishing learning communities at the school site as well as providing college prep advisement to students who attend MATTIE ACADEMY. Special needs students will be placed in the least restrictive environment in accordance with the IDEA Laws 1997 & 2004. Special needs student will be instructed in the core curriculum. Based on their cognitive needs on their Individual Educational Plan special needs will receive designated services from the Resource Specialists either in class or in a learning center. If special needs students do not make adequate academic progress, on assessments such as CBM (Curriculum Based Measurement) or progress monitoring, the

	special needs students will be participants in the RTi model for supportive intervention for 45 minutes per day.
v. The petition fails to demonstrate understanding of Service Learning as an instructional strategy connected to academic learning. It describes activities that are examples of community service or volunteerism, demonstrating a lack of understanding that Service Learning is an instructional approach to increase academic achievement.	Mattie Academy will provide community service learning opportunities, internships and career development throughout the surrounding community. The learning opportunities will be focused be on essential problem-solving skills, leadership development, and on professional learning communities with strategies to close the achievement gaps of special education needs students. See page 28-30, and 37 of the petition.
vi. The proposed use of technology (page 141) is unclear and confusing. For example, the petition does not describe how curriculum will be differentiated by using computers; lacks examples to illustrate assertions regarding the use of computers; and does not explain how computers will lead to the development of critical or higher-order thinking skills as asserted.	There is no mention on the use of technology on page 141 of the petition. However, pages 138-139 describes how technology will be infused with learning at MATTIE Academy. Computer technology will become a prominent part of the classroom; the teacher will no longer serve as the sole expert with absolute mastery and control of content knowledge and instructional procedures. Instead, with the help of the computer, learning will become more interactive with responsibility shared among teachers and students. The teachers no longer function solely as transmitters of content knowledge. Instead, they become facilitators of learning. Students play a more active role in their own learning.
vii. The description of Project Based Learning (pages 141-142) does not describe how it will be used within or across subject areas.	There is no mention of project-based instruction on pages 140-141 in the petition. However, pages 139-140 describes MATTIE's Project Based Learning. MATTIE will use project-based learning as an instructional approach to engage students in sustained, cooperative investigation. Within its framework students collaborate, working together to make sense of what is going on. Additionally, project-based instruction emphasizes students' own artifact construction to represent what is being learned.

viii. The professional development plan (page 144) appears ambitious; it is unclear how professional development will be effectively delivered in the short time spans stated in the petition.	This statement is subjective. MATTIE has set high standards for all staff as well as students. Our Curriculum Administrator has completed the Association of California School Administrators (ACSA) Curriculum & Instruction Academy and Superintendents Academy.
ix. There is no proposed plan to prepare the school for the transition to the Common Core State Standards or how the school will access "Bridge" documents ensuring instruction is aligned with the Common Core State Standards.	At time of developing and submitting this petition to LAUSD, the Common Core was not a federal or state mandate. However, MATTIE petitioners will work with the State and provide professional development to faculty.
5. The petition fails to indicate how the charter school will identify and respond to the needs of pupils who are not achieving at or above expected levels. **a. There is no indication how the school will identify and respond to the needs of the students who are not achieving at or above expected levels; there is no description of the intervention plan to be offered during the school day, only before and after school.**	Intervention Program for English Language Arts & Mathematics: Response to intervention (RTI) is the data-driven approach has proven to be most effective as it relates to documenting the interventions utilized to assist academic growth as well as improve the instructional strategies provided to the students by teachers. The three levels of RTi are; Tier I (Core Level without intervention) , Teachers will you the core textbook and instructional materials), But students who are placed in either Tier 2 (Small Group Instruction with some intervention) , or Tier 3 (Small Group with intense intervention) would use an intervention programs approved by the State Department of Education . Also, the incorporation of computer assisted programs will be used. Mattie Academy's principal and faculty will determine participants in Tier I, 2, and 3 by reviewing multiple assessment measures. Administrators and teachers will determine participants of each Tier by scheduled Benchmark assessments 3 times a year and by progress monitoring assessments every 6 weeks. Students whose data scores indicate Below Basic will be in Tier 2 and students whose

	data scores Far Below Basic will be in be instructed in Tier 3. See pages 8, 26, and Appendix D, pages 119-123 of the petition.
b. There is inadequate description of how curriculum and instruction will be differentiated to meet the needs of students not achieving at or above expected levels.	MATTIE teachers will incorporate a wide variety of instructional strategies designed to address the different learning styles and developmental needs of students ages 11-18. Some of the instructional strategies include student investigations, cooperative/collaborative learning, whole group instruction, independent and self directed learning, peer coaching, graphing, concept mapping, self assessment, research and simulations. See page 45 of the petition.
c. There is insufficient description of how the school will identify "at-risk" students beyond that described for the California High School Exit Exam (CAHSEE).	Instructional Plan includes data driven instructional decision making differentiated instruction with early identification of —at-risk students for the CAHSEE. Test data will be analyzed to determine areas of strengths and areas in need of improvement. Each teacher will submit a student achievement plan to the department chair of subject area and will collaborate with department chair to create a student achievement plan for each department. Counselors will work with at-risk students to provide additional support advisement and monitor progress of students. Students will be given opportunity to select a college or career path. Students and parents will be involved in selecting a career, advisement, and counseling. See pages 30 and Appendix D, page 121 of petition.
6. There is insufficient indication of how the charter school will meet the needs of students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations. **a. Deficiencies regarding the plan for meeting the needs**	We anticipate enrolling some students who are limited English-speaking students. If students have attended a California school prior to enrolling in our Charter School, we will request their —transfer records" from their prior school in order to determine the proper instructional program for them based on their CELDT Level of English Proficiency. If this is the students first time enrolling in a California school, we will

of English learners: **i. The petition fails to ensure that all English learners will have full access and make progress toward meeting required content standards. It states, "All English learners will participate in the core standards-based curriculum appropriate for their grade level as fully as their English language fluency will allow." (Emphasis added).**	have the parents fill out the Home Language Survey and have the student take the CELDT in order to determine student's level of English proficiency so that the student can be placed in an instructional program that is appropriate. It is the school's intent to meet all the Federal law requirements relative to equal access to curriculum for English learners. In order to provide an appropriate instructional program will be provided in English with the goal of improving the English Learners language proficiency acquisition growth of English by one year as evidenced by the student's yearly CELDT results as well as increasing their academic cognitive growth. All English learners will participate in the core standards-based curriculum appropriate for their grade level with the support of SDAIE (Specifically Designed Academic Instruction in English) special techniques and strategies that assist in developing the students' language proficiency and academic acquisition. To accelerate learning English and the mastery of the standards-based curriculum, teachers will provide special assistance to them during regular classroom instruction and if needed, tutorial assistance will be provided for them outside of core class time. Students at beginning ELD levels (Beginning Level, Early Intermediate Level) will be placed in a 50 minute English class with a certificated teacher who is trained in SDAIE teaching practices. The goal of this class is to provide instructional practices that focus on the students' development of English proficiency and mastery of academic concepts. The California State Framework for English-Language Development and the Language Arts Framework will be the foundation of promoting the students' instructional

	program as well as the approved textbooks that have been identified by the State of California. During the rest of the school day, these EL students will be mainstreamed with fluent English speaking students and fluent bilingual students in order to support English language development and comprehension of instructional concepts with the assistance of the other students helping the EL by the teacher forming small learning groups that provide the EL student the opportunity to participate in the learning activity during the instructional period. In order to enhance EL students' vocabulary development, teachers will regularly work with them in small groups that will be determined by the ELD level of the students. We will delineate 45 minutes during the school day for focused English language development. This instruction will emphasize vocabulary development, phonemic awareness, grammar rules, and oral and writing English fluency. See pages 43-44 of the petition. See page 7, 29, 43-44, Appendix D, Special Education Plan, page 119of the petition.
ii. Procedures for completing and utilizing information from the Home Language Survey are incorrect. The petition (page 46) indicates all students (emphasis added) will complete a Home Language Survey and that students will be assessed if they indicate another language spoken in the home. First, students do not complete the Home Language Survey, parents do, and second, the Survey is required for students when they first enter a school in California, not upon entry to each new school. The correct procedure is for the school to evaluate student transfer records to determine if the student was identified as an English learner. Assessing	Page 46 of the petition does not indicate anything about the Home Language Survey as stated in the findings, however page 44 of the petition indicates the procedures for administering the Home Language Survey. Since charter schools can enroll students from any area, we feel that it is best to have parents/guardians upon initial enrollment into the charter school. We are aware of the procedures for admission as the CEO and principal have served as guidance counselors at both the middle and high school levels. Experiences have been that student transfer records are not always accessible or complete for at-risk transient students. It is ideal to have the parent/guardian complete the home

all students based on completion of the Home Language Survey, would result in the misidentification of English learners, including students who have been reclassified.	language survey upon enrollment into the school. See page 44 of the petition.
iii. There is no description of the assessments that will be used to monitor the progress of English learners. The petition indicates teachers will meet every two weeks to discuss and evaluate the progress of English learners and make adjustments to their program, however, only state mandated assessments are identified for that purpose. State mandated assessments are only administered annually and do not provide sufficient feedback for the bi-weekly program adjustments stated in the charter.	The design of the ELD instructional program will implement the State adopted textbooks and the embedded ongoing assessment of student progress as determined by the results of chapter tests and unit tests to determine each student's acquisition of English proficiency and cognitive development as well as authentic assessments. See pages 44-46 of the petition.
iv. There is no description of how the school will address the needs of English learners with disabilities or English learners identified for referral for special education assessment.	Curriculum will be presented to English learners at beginning ELD levels in English utilizing Specially Designed Academic Instruction in English (SDAIE) techniques. This will include instruction utilizing sheltered English, cooperative learning groups and small group instruction. Sheltered English includes strategies that make language comprehensible. This requires an awareness of the student's prior knowledge and experiences, consistently building on background knowledge, using visuals, focusing on 1-2 major concepts and drawing out the main points. Cooperative grouping of students will encourage a peer coaching atmosphere and a high level of motivation to communicate that, which might not otherwise exist. Small group instruction will allow opportunity for individualizing the instruction to the needs of those particular students who have additional needs. Support and services regarding special need students will be determined based on each student's special education eligibility and on supportive services that will be determined by the consensus of the IEP team. See pages 43-45 of the

	petition.
v. The staff development plan fails to ensure that the needs of all English learners are met. The petition indicates, "staff development on good teaching practices that address the ELL learning needs" (page 47) will be provided. Evidence of "good teaching" is insufficient to prepare students achieving substantially below grade level to prepare for college.	All English learners will participate in the core standards-based curriculum appropriate for their grade level as fully as their English language fluency will allow. To accelerate learning English and the mastery of the standards-based curriculum, teachers will provide special assistance to them during regular classroom instruction and if needed, tutorial assistance will be provided for them outside of core class time. Students at beginning ELD levels will be mainstreamed with fluent English speaking students and fluent bilingual students in order to support English language development and comprehension of instructional input. In order to enhance EL students' vocabulary development, teachers will regularly work with them in small groups that will be determined by the ELD level of the students. We will delineate 45 minutes during the school day for focused English language development. This instruction will emphasize vocabulary development, phonemic awareness, and oral and writing English fluency. See pages 43-44, 47 of the petition.
b. Deficiencies regarding the plan for meeting the needs of students with disabilities, especially those performing substantially below grade level: **i. The petition indicates lack of knowledge regarding special education curriculum and assessment. It states general education curriculum as well as "California Alternative Program Standards" will be used to provide students with special cognitive needs an enriching and engaging learning experience on an on-going basis. The California Alternate Performance Assessment (CAPA), designed to assess students with severe cognitive disabilities, is linked directly to California academic content standards at each grade level. The Review Team**	Special needs students will be placed in the least restrictive environment in accordance with the IDEA Laws 1997 & 2004. Special needs student will be instructed in the core curriculum. Based on their cognitive needs on their Individual Educational Plan special needs will receive designated services from the Resource Specialists either in class or in a learning center. If special needs students do not make adequate academic progress, on assessments such as CBM (Curriculum Based Measurement) or progress monitoring, the special needs students will be participants in the RTi model for supportive intervention for 45 minutes per day. See page 47 of the petition.

was unable to determine what the petition is referencing in its use of the term "California Alternative Program Standards."	
ii. The staff development plan fails to ensure that the needs of students with disabilities are met.	A pushed - in model of inclusion will be implemented at the MATTIE Academy in order to address the instructional needs of learning disabled students who behaviorally and who academically would benefit from an inclusive learning environment. General education teachers and special education teachers will receive highly qualified professional development on effective inclusion models in order to determine the collaborative format for co-teaching models based on educational research. The administration will schedule time for general education teachers and special education teachers to collaborate and to plan lessons that integrate research based instructional strategies to meet the learning style needs of special need learners. See pages 46-47 of the petition.
c. Additional Concerns: **i. The petition does not describe how the school will address the needs of socioeconomically disadvantaged students.**	MATTIE teachers will incorporate a wide variety of instructional strategies designed to address the different learning styles and developmental needs of students ages 11-18. Some of the instructional strategies include student investigations, cooperative/collaborative learning, whole group instruction, independent and self directed learning, peer coaching, graphing, concept mapping, self assessment, research and simulations. See page 45 of the petition.
ii. It is unclear whether the school intends to ensure that all students will matriculate. The petition states only students in the top 10% will be matriculated.	The targeted student population and demographics can be found on pages 24-28, 37-40. MATTIE expects to prepare these at-risk students to become college and career ready and to score at the top 10% of the national standardized testing.
7. There is inadequate description of the charter school"s special education plan, including, but not	Petition address plans to serve and address the needs of all learning disabled students. Page 27-29, 33, 35, 46, 47, and

limited to, the means by which the charter school will comply with the provisions of EC § 47641, how the school will provide or access special education programs and services, the school"s understanding of its responsibilities under law for special education pupils, and how the school intends to meet those responsibilities. **a. The means by which the school will implement special education services for all types of disabilities is not addressed. The petition implies the school will only address students with learning disabilities and those who are hearing impaired; there are 11 other categories of disabilities not addressed in the petition. The scope of needs of students with disabilities the school has planned to serve is finite and limited.**	119 of the petition.
b. There is inadequate description of the services and programs the school will provide once the identification process is complete.	During extended school year, academic and social goals outlined in the individual students IEP will be implemented, and the instructional plan will be aligned with general education rigor and expectations. Students may receive accommodations and/or modifications based on the consensus of the IEP team. Page 37, 123,
8. The description of how parents will be informed about transferability of courses to other public high schools fails to demonstrate understanding that courses must be submitted to, and approved by, the University of California before they are accepted by the UC/CSU system for student admission.	Parents will be informed about the transferability of course credits to neighboring public schools, and if the courses meet entrance requirements to the UC and CSU systems. Parents informed through Parent Rights Handbook, newsletters, parent meetings, career day, college bound day. See page 47 of the petition.
Element 2: Measurable Pupil Outcomes. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(2) as follows:	MATTIE Academy holds the following goals: • **California Standards Test:** A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and

It does not specify skills, knowledge, and attitudes that reflect the school"s educational objectives and can be assessed...by objective means that are frequent and sufficiently detailed enough to determine whether pupils are making satisfactory progress.... vary according to such factors as grade level, subject matter, the outcome of previous objective measurements....To be sufficiently detailed, objective means of measuring pupil outcomes must be capable of being used readily to evaluate the effectiveness of and to modify instruction for individual students and for groups of students. **The educational objectives are not frequent or sufficiently detailed enough to determine whether pupils are making satisfactory progress and the measures do not vary according to factors such as grade level.**	Math • **CAHSEE:** Passing rates of 90% or higher by grade 12 • **Graduation:** Rates 90% or higher • **English Learners**: English Learners at MATTIE will progress on average one band increase on the CELDT each year. • **Special Education Students:** Special education students will demonstrate appropriate progress toward goals in their IEPs each year. • **Student Attendance:** MATTIE Academy will maintain at least 95% Average Daily Attendance. • **Parent Satisfaction:** MATTIE Academy will demonstrate a high level of parent satisfaction -- 80% or higher -- based on surveys. Specific measureable outcomes are detailed in pages 49-50 of the petition.
1. There are no measurable outcomes stated for year one (1), two (2), or four (4) for performance on the California Standards Test (CST). The petition states, "California Standards Test: A target of 60% proficient in year 3 increasing to 75% proficient in year 5 students scoring proficient or above in English/Language Arts and Math" (page 49).	MATTIE is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets: • API score of 800 (or growth as required, if applicable) • AYP AMOs as required, currently to reach 100% by 2013-14 • All subgroups make at least 80% of the school target • CST participation rate of at least 95% Specific measureable outcomes are detailed in pages 49-53 of the petition.

2. There are no outcomes for End of Course CST exams administered at the high school level or for required science and social studies CSTs administered at the middle and high school levels.	MATTIE is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets: • API score of 800 (or growth as required, if applicable) • AYP AMOs as required, currently to reach 100% by 2013-14 • All subgroups make at least 80% of the school target • CST participation rate of at least 95% Specific measureable outcomes are detailed in pages 49-53 of the petition.
3. There is no baseline for the API target. A baseline can be established by analyzing the performance of the comparison schools identified in the charter to determine whether the stated goal is adequate for the school to make renewal criteria established in law or show evidence of performance that is at least comparable to the comparison schools.	To address the point of not identifying a baseline API target, MATTIE would like to refer to page 49 of the petition that identifies a baseline API target. The language is as follows: MATTIE Academy for Change is held to the same accountability requirements for API and AYP AMOs as any other public school. MATTIE Academy's school-wide goals are to outperform the nearest schools - Curtis Middle School, Carnegie Middle School, Banning High School and Carson High School – as the school strives to meet the state and federal performance targets: • API score of 800 (or growth as required, if applicable). • AYP AMOs as required, currently to reach 100% by 2013-14. • All subgroups make at least 80% of the school target.

	• CST participation rate of at least 95%.
4. There is no mention of the CAHSEE participation rate, which is essential to a high school's meeting Adequate Yearly Progress (AYP) targets. Participation rate is stated only for the CST (page 49).	CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTIONS 11967.5&11967.5.1 does not specifically mention the CAHSEE, but MATTIE petitioners are aware that this is a required test for graduation and will follow the state guidelines that students first take this test in grade ten. If they do not pass the test in grade ten, they have more chances to take the test. In grade eleven, they can take the test two times. In grade twelve, they will have up to five times to take the test. See pages 49-53 of the petition.
Element 3: Method for Measuring Pupil Progress. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(3) as follows: **1. It does not describe how the provided list of assessments is consistent with the measurable pupil outcomes identified in Element 2. (Page 53)**	There is no mention of this on page 53 of the petition. MATTIE petitioners feel they have sufficiently addressed this item, see page 52 in the petition. LAUSD also felt that we adequately answered this item, as this was not a finding.
2. It lacks explanation of how annual assessment results from the Statewide Testing and Reporting (STAR) program will be used to measure student progress. **3. It fails to outline a plan for reporting data on pupil achievement to pupils" parents and guardians. Additionally, the petition does not outline the plan for collecting specific data or the instruments to be used for measuring the progress of students with disabilities.**	MATTIE Academy will assess core student performance using state assessment instruments, which are consistent with the school's mission and instructional program. See page 51 of the petition. MATTIE will follow all state and federal regulations with reporting data on pupil achievement. Additionally, MATTIE will follow all federal and state regulations with collecting specific data or instruments used to measure progress on students with disabilities. See pages 51-53 of the petition.
Element 4: Governance Structure. Not reasonably comprehensive **The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(4) as follows:**	MATTIE Academy of Change and/or its non-profit corporation is a separate legal entity and will be solely responsible for the debts and obligations of the Charter School. Members of the [Charter School's] executive board, any

1. It does not include evidence that the organizational and technical designs of the governance structure reflect a seriousness of purpose necessary to ensure that: **a. The charter school will become and remain a viable enterprise (See Finding 2).** **b. The educational program will be successful.(See Finding 2 and Finding 5, Element 1).**	administrators, managers or employees, and any other committees of the School shall comply with all federal and state laws, nonprofit integrity standards and SBE'S Charter School policies and regulations regarding ethics and conflicts of interest. See pages 54-56 of the petition.
2. The petition does not comply with specific requirements of law regarding governance: **a. While the petition states (page 56) that it will comply with the Brown Act, the bylaws create confusion as to whether the Board will comply with the Brown Act requirements.**	The MATTIE Academy of Change Charter School will comply with the Brown Act as stated on page 54 of the petition.
b. Article 3, Section 7, Place of Meetings, and Section 9, Special Meetings, do not establish that meetings not designated by the Board must still be within the jurisdiction of the District. Government Code § 54954(b)-(e) addresses all exceptions to this.	Article 3, Section 7, Place of Meetings, and Section 9, Special Meetings, does in fact establish that meetings not designated by the Board must still be within the jurisdiction of the District. See MATTIE Approved Bylaws, page 3, **Exhibit P**
c. In addition to the primary meeting location, the notice and agenda must also be placed at all locales in which a Board member is participating via teleconferencing. Government Code §54953 requires that each of these locations must also be identified in the notice and agenda as well, and each of these locations must be fully accessible to the public. Also, the bylaws fail to require that a quorum must participate within the body"s jurisdiction for other members to participate via teleconference, which is required by the Brown Act.	The MATTIE Academy of Change Charter School will comply with the Brown Act as stated on page 54 of the petition.

d. Article 3, Section 11, Contents of Notice, doesn"t provide for disability accommodations within the agenda. Government Code § 54954.2(a) requires that the agenda must contain information on how to request disability accommodations or modifications in order to participate in a meeting.	Article 3, Section 11, Contents of Notice, does in fact provide for disability accommodations within the agenda. See MATTIE Approved Bylaws, page 4, **Exhibit Q**
Element 5: Employee Qualifications. Not reasonably comprehensive **The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(5) as follows:** **It lacks general qualifications for the various categories of employees the school anticipates and fails to provide qualifications sufficient to ensure the health and safety of the school's faculty, staff, and pupils.** **1. Qualifications of teachers and the special education teachers are described in general terms without specifying which must have CLAD or BCLAD certification, whether any staff will be bilingual, or the type of credential special education teacher(s) will hold.** **2. There is no statement of qualifications for non-core teachers.** **3. Several key positions, including the CEO and the program facilitator do not require any knowledge of educational practices.** **4. There is no description of duties and responsibilities for the program facilitator.** **5. There is no description of staff duties for the positions of psychologist, social worker, nurse, parent community liaison, technology assistant, or**	MATTIE Academy believes that all persons are entitled to equal employment opportunity. Charter School shall not discriminate against qualified applicants or employees on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, or any other characteristic protected by California or federal law. Equal employment opportunity shall be extended to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and dismissal from employment. The teachers hired for the MATTIE ACADEMY will be highly qualified as stipulated by NCLB and the CTC. Each hired teacher will have earned their BA Degree as well as have passed the CBEST, CSET 1-3. CLAD, and RICA. All Resource Specialists and will also have passed the CBEST, CSET 1-3, RICA, and Added Authorization of Autism by June 2013. Additionally, all hired teachers will be assigned to teach subject per their credential authorization. The CEO and all administrators will hold a master's degree and administrative credentials. See position descriptions, including Program Facilitator, Nurse (Health Services

fiscal management coordinator (as presented in the handout given to the County Board at Public Hearing).	Coordinator), Parent Community Liaison, Technology Assistant, or Fiscal Management Coordinator/Program Facilitator on pages 63-73 of the petition. Nurse is called Health Services Coordinator. All school staff will be required to undergo a criminal background check and fingerprint clearance through the DOJ prior to hiring. Please see pages 63-73 of the petition.
6. There is no explanation of the difference between a staff assistant and an instructional assistant, although the budget reflects different pay levels.	The Staff Assistants and Instructional Assistants are on the same pay scale, however, the Staff Assistant Supervisor beginning salary is slightly higher. See budget on pages 131-137 in the petition.
7. There is no description or qualifications for tutors for the After School Enrichment Program.	MATTIE will utilize volunteers, cross-age tutors, peer tutors, and college interns for the After School Program. MATTIE will also utilize teachers to tutor on a rotational basis as part of an adjunct duty. This will be built into the teachers‘ flex schedule. Employee handbook available upon request.
8. The Code of Ethics which “all staff must meet and maintain” is not included in the petition.	Page 69 of the petition. In addition it can be found in the MATTIE Employee handbook, available upon request.
Element 6: Health and Safety Procedures. Reasonably comprehensive with specific deficiencies The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(6) as follows: **It does not provide for the screening of pupils‟vision and hearing and the screening of pupils for scoliosis to the same extent as would be required if the pupils attended a non-charter public school.**	The response to the Health and Safety issues raised are directly addressed in the original petition on page 64. The charter school assures that they will require all students enrolled will be required to provide records documenting immunizations as is required at public schools pursuant to Health and Safety Code Section 120325-120375, and Title 17, California Code of Regulations Section 6000-6075. See page 64 of the petition. In addition, parents and staff will be provided with handbook with policies and procedures in place to ensure a safe and orderly school environment. Petitioners will furnish copy of MATTIE School Safety plan upon request.
Element 7: Means to Achieve a Reflective Racial and Ethnic Balance. Not reasonably comprehensive The	MATTIE Academy of Change petitioners are committed to providing all students with quality educational alternatives in

petition fails to meet CCR, Title 5, Section 11967.5.1(f)(7) in that the standard of the regulation states it "…shall be presumed to have been met, absent specific information to the contrary." Evidence to the contrary is as follows: **Described outreach efforts are insufficient to determine whether the plan can achieve a student population reflective of the racial and ethnic diversity of the district in which the school intends to locate. Outreach is described in general terms, and it lacks benchmarks by which the school can determine whether it will achieve the desired outcome. The plan to specify which newspapers the school will use to conduct outreach and actual venues where information will be disseminated, which would have provided evidence that the plan would likely result in enrollment reflecting the diversity of the community.**	compliance with all federal and state laws, including students who are enrolled in schools of the District identified by the California Department of Education as in need of Program Improvement. As stated in the petition on Pages 78-81 MATTIE Academy also states specific language relative to LAUSD that the school will provide a written plan to achieve and maintain LAUSD's ethnic balance ratio goal pursuant to the Crawford Court Order of 70:30 or 30:70 upon request of the District. Thus, the petition did not fail to describe specifics of the plan given that a plan. A plan is to be presented upon request.
Element 8: Admission Requirements. Reasonably comprehensive with one deficiency. **The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(8) as follows:** **There is a noted contradiction in the enrollment preferences stated in the petition. On page 85, the children of the school's founders are listed as having preference over children of staff or employees, while on page 86 the order of preference is reversed**.	There is no mention of enrollment preferences on pages 85 or 86 of the petition, however, page 84 of the petition describes enrollment preferences. However this was not a concern or finding for LAUSD.
Element 9: Annual Independent Financial Audits. Not reasonably comprehensive The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(9) as it does not specify who is responsible for contracting and overseeing the independent audit or that the auditor will	This was not a finding or concern for LAUSD. As explained in the petition page 86-87, MATTIE Academy has partnered with EMO, who will be responsible for contracting and overseeing annual independent financial audits. MATTIE will ensure the auditor contracted has prior experience in education finance.

have experience in education finance. **The petition does not comply with the following criteria:** **1. It does not specify the auditor shall be on the State controller"slist of educational auditors,** **2. It does not specify the auditor shall be hired by the Board of Directors of the charter school, and** **3. It does not ensure financial reporting to charter agency would be carried out in pursuant to EC § 47604.33.**	As such, MATTIE will utilize the same independent auditor that other EdFutures school uses. Furthermore, a timeline by which audit exceptions will typically be resolved by will be presented to the school district upon request.
Element 10: Suspension and Expulsion Procedures. Not reasonably comprehensive. **The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f) (10) as follows:**	The petition adequately addresses and expounds on the due process for disciplinary procedures which is described on pages 88 through 95. This section clearly outlines categories of offenses and their repercussions as well as procedures for suspensions (page 89-90). It is clearly stated in the petition that parents/guardians and students will be informed about reasons of suspension and expulsion by writing prior to suspension/expulsion (bottom of page 89). Following notice, there will be a committee that will hold a hearing process that will allow the students and their advocates to give their testimony and documentation prior to suspension.
Element 11: STRS, PERS, and Social Security. Not reasonably comprehensive. **The petition fails to meet the requirements of CCR, Title 5, § 11967.5.1(f)(11) as follows:** **1. It does not provide a clear statement of the manner by which staff members of the charter schools will be covered by the State Teachers" Retirement System, the Public Employees" Retirement System, or federal social security, as required by EC § 47605(b)(5)(K), at a minimum, specifies the positions to be covered under each system and the staff who will be responsible for**	MATTIE CEO will be responsible for ensuring that EMO (Business Management Services) efficiently manage MATTIE employee records and their contributions to the various retirement systems, federal, and social security programs. Please see page 96 of the petition.

ensuring that appropriate arrangements for that coverage have been made. **a. There is contradictory information regarding participation in the California State Teachers' Retirement System (CalSTRS) for certificated staff. It indicates the school will participate in CalSTRS but employees who elect to participate in CalSTRS may remain in the chosen system during their employment, unless a two-thirds majority of the of the permanent teaching staff votes for an alternative retirement system. This statement does not provide the clear language required by CalSTRS. Petition language must clearly reflect one of the following choices: Choice 1: Coverage will be offered to eligible employees; Choice 2: The school retains the option to elect the coverage at a future date, or Choice 3: The school will not offer the coverage. CalSTRS retains the right to reject charter language that does not clearly specify the school's choice.**	
Element 14: Dispute Resolution Procedures. **1. The petition fails to clearly articulate that if the substance of a dispute is a matter that could result in the taking of appropriate action, including, but not limited to, revocation of the charter in accordance with EC § 47607, the matter will be addressed at the County Board's discretion granted under provisions of law and any regulations pertaining thereto and not subject to the dispute resolution procedure stated under Element 14 of the petition.** **2. The Dispute Resolution Procedures as set forth in the petition imposes the following requirements to which the county office cannot agree:**	The staff and governing board members of MATTIE Academy agree to resolve any claim, controversy or dispute arising out of or relating to the Charter agreement between the District and MATTIE Academy, except any controversy or claim that is in any way related to revocation of this Charter, (Dispute) pursuant to the terms of this Element 14. See pages 99-100 of petition. See LACOE Description of Changes, pages 34-36, **Exhibit R.**

a. It imposes a 120 day timeline for mediation from the date following the Issue Conference, which is an unreasonable interval of time. **b. It commits LACOE to "binding arbitration" and requires that any party who fails or refuses to submit to arbitration to bear all attorney"sfees, costs and expenses incurred by such other party in compelling arbitration of any controversy or claim. This section would expose LACOE to unnecessary and costly litigation.** **3. The petitioner proposes a wholesale change to the dispute resolution procedure in its "Description of Changes to Petition for LACOE." Given the substantial departure from the Element 14 stated in the original petition, the proposed changes constitute a material change to the petition. The following underscore the reasons that the proposed changes are not reasonably comprehensive:** **a. The new process requires LACOE to refer complaints it receives to the Executive Director of the charter school for resolution to be handled internally. This requirement would strip the Dispute Resolution Process of any meaning and does not acknowledge the right of the County Superintendent to investigate complaints under EC § 47604.4. The petition fails to acknowledge the requirement of EC § 47604.4 which states, "In addition to the authority granted by sections 1241.5 and 47604.3, a county superintendent of schools may, based upon written complaints by parents or other information that justifies the investigation, monitor the operations of a charter school located within that county and conduct an investigation into the operations of that charter school."** **b. The proposed changes to Element 14 contains the following ambiguity, "The dispute resolution provision**	

does not apply to issues that may trigger the revocation process... in the event that LACOE believes that the dispute relates to an issue that could lead to revocation of the charter, this shall be specifically noted in the written dispute statement." If issues that trigger the revocation process are exempted from the dispute resolution process, it is not clear why a written dispute statement would be required.	
Element 16: Closure Procedures. Not reasonably comprehensive **The petition fails to meet the requirements defined by CCR, Title 5, § 11962 as follows:** **1. It does not indicate the school will comply with all the requirements of closure notification including informing federal social security and the pupils" school districts of residence; providing the effective** **date of the closure and the manner in which parents (guardians) may obtain copies of pupil records, including specific information on completed courses and credits that meet graduation requirements.** **2. It fails to indicate that upon closure, the school will provide for the transfer and maintenance of all pupil records, all state assessment results, and any special education records to the custody of the authorizer or the transfer and maintenance of personnel records in accordance with applicable law.** **3. It does not indicate the independent final audit will include at least the following:** **a. An accounting of all financial assets, including cash and accounts receivable and an inventory of property, equipment, and other items of material value.** **b. An accounting of the liabilities, including accounts**	MATTIE Charter School shall follow the school closure provisions of the LACOE charter school policy and regulations and the State Board of Education school closure provisions in the event of school closure. The following provisions relating to school closure shall replace the LAUSD specific —Procedure to be used if the Charter School Closes" (page 102-105).

payable and any reduction in apportionments as a result of audit findings or other investigations, loans, and unpaid staff compensation. **c. An assessment of the disposition of any restricted funds received by or due to the charter school.** **4. It does not specify that the disposal of any net assets remaining after all liabilities of the charter school have been paid or otherwise addressed, will include:** **a. The return of any grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law, as appropriate, which may include submission of final expenditure reports for entitlement grants and the filing of any required Final Expenditure Reports and Final Performance Reports.** **b. The return of any donated materials and property in accordance with any conditions established when the donation of such materials or property was accepted.**	
Finding 6: The petition does not satisfy all of the Required Assurances of Education Code section 47605(c), (e) through (j), (l), and (m). **1.a.: It indicates the school "will attempt" to have 95% of students participate in the California Standards Test (CST) administration. Acceptance of federal funds requires a 95% participation rate on the CSTs and the 10th grade CAHSEE census administration:**	MATTIE petitioners are aware that acceptance of federal funds requires a 95% participation rate on the CSTs and the 10th grade CAHSEE census administration. In addition to meeting this requirement, MATTIE petitioners intend to go over and above minimum requirements as indicated on page 25 of the petition that clearly states that MATTIE will attempt to have a participation rate on the CST that exceeds the minimum of 95%.
1.b. It provides evidence the petitioners do not understand the intent and purpose of the California English Language Development Test (CELDT).	Page 44 of the petition clearly states that parents who indicated a language other than English will be assessed with the California English Language Development Test (CELDT) to identify English Language Learners (ELL) and provide

	appropriate instructional services based on the results.
2.a. Consult with their parents and teachers regarding the school"seducational programs on a regular basis:	It does not describe how parents of English learners will receive notification in writing of their child's English proficiency assessment results, the parent exception waiver, or give input on services for English learners.
Effect on the Authorizer and Financial Projections. Does not provide the necessary evidence.	It does not fully identify the facilities to be utilized by the school including where the school intends to locate. A site is proposed, but not confirmed; how the site would be managed (i.e. purchase, lease, or any other agreement) is not identified; and there are no provisions for leasing in the proposed first year operational budget, startup cost, or financial projections for the first three (3) years of operation.
It does not adequately identify the manner in which administrative services of the school are to be provided. The petition proposes to contract services to a management organization, but the contract between the school and the management company is insufficient as described in Finding 2:	The MATTIE ACADEMY OF CHANGE And EDFUTURES AGREEMENT dated May 06, 2011 clearly states on pages 3-4 under ARTICLE : PERFORMANCE AND DELIVERY OF SERVICES sections b and c: EdFutures, the contracted management organization. Is to provide the following administrative services: personnel functions; technical writing, assist with proposal development maintenance and operation functions that would otherwise be provided by the District if the Charter School were operated by the District; business administration functions; custodial services, (i) contract for goods and services; (ii) prepare a budget; (iii) (iv) procure insurance; (v) lease or otherwise contract with any third party for the use of facilities for school purposes and the operation and maintenance thereof; (vi) purchase, lease, or rent furniture, equipment and supplies; (vii) accept and expend gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and not contrary to any of the terms of this Agreement; (viii) perform the business administration of the school; (ix) (xiv) exercise such other powers as provided for

	elsewhere in this Agreement to the extent consistent with this Agreement; and (xv) generally, take such other actions as may be necessary or desirable properly and efficiently to operate the Charter School.
The provided financial statements that include a proposed first-year operational budget, including startup costs, and cash-flow and financial projections for the first three years of operation are inadequate to reasonably ensure successful implementation of the school as described in Finding 2: **4. Potential civil liability effects, if any upon the school and the County Office of Education:** **a. In 2008, a writ of attachment was filed against the revoked MATTIE by Charter School Capital for over $250,000 for failure to make payments on a loan. The writ, filed against MATTIE, was served on LACOE.**	The writ of attachment against MATTIE was paid in full in 2008. The writ was served on LACOE because LACOE was responsible for disbursements of funds to MATTIE. LACOE was never named or liable in any lawsuit on behalf of MATTIE. See attached court documents stating that loan paid in full. **Exhibit S**
b. To date, LACOE continues to receive complaints from unpaid teachers of the revoked MATTIE.	LACOE received complaints from all teachers and staff because LACOE did not issue PSC payment approved by CDE and issued by state controller‘s office, warrant # 04-323444 which caused MATTIE extreme hardship and fiscal problems which resulted in MATTIE‘s inability to pay off debts, including salaries and vendors. This caused MATTIE to appear to be derelict in paying off debts. Please see attached email from CDE dated February 26, 2009. See **Exhibit T**
Preference to Academically Low Performing Students. Does not meet the condition EC § 47605(h) states authorizers shall give preference to petitions that demonstrate the capability to provide comprehensive learning experiences to pupils identified as academically	

low achieving…The petition does not meet the criteria for this preference due to the lack of a comprehensive plan for providing learning experiences to the pupils identified by the petitioners as academically low achieving. **1. There is no clear plan stating the interventions to be provided during the school day to support academically low achieving students. Program supports appear to be provided by outside entities and/or are listed as "opportunities to participate," thereby not ensuring all students who need that support will have access to the support. (pages 6-8, 28, 30-32, 34, 40, 44, 45, 48).**	
2. The petition mentions Response to Intervention, but does not describe the tiered process adopted by the school to support all students. (page 49).	Please refer to pages 6-8, 28-30, 42-50, 60-62. Please see attached letters for Internship with Carson City Hall, Cal State Dominguez Hills, CSULB Mesa, California's 37th Congressional District Congresswoman Laura Richardson. **Exhibit U**
3. Interventions for English learners are provided only for the CAHSEE. (page 32): **Teacher Credentialing Requirement. Meets the condition with specific concerns EC § 47605(l) requires that teachers in charter schools shall be required to hold a CCTC certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold…It is the intent of the Legislature that charter schools be given flexibility with regard to noncore, non-college preparatory courses. The petition does not identify that the special education coordinator and service providers must be appropriately credentialed.**	See position descriptions of the Special Education Coordinator as well as other service providers on page 69-70 of petition. This element was met with specific concerns. Concern appears to be subjective and biased. Please refer to pages 102-105 of petition for closure procedures.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Reconsideration 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 *California Code of* Regulations, Title 5, Section 11963.6(g).	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) sections 47612.5 and 47634.2 specifies that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination for funding is made by the State Board of Education (SBE). Additionally, for a previously-approved determination of funding, the SBE may approve a higher or lower determination of funding pursuant to *California Code of Regulations*, Title 5 (*5 CCR*) Section 11963.6(g). The charter schools listed in Attachment 1 are requesting the SBE to consider their redetermination requests for a higher determination of funding. Approval of the California Department of Education (CDE) recommendation would continue the determination of funding previously provided to the charter schools.

RECOMMENDATION

California Department of Education Recommendation

Pursuant to *5 CCR* sections 11963.3 and 11963.4, the CDE recommends that the SBE deny the redetermination request for a higher level of funding, identified in Attachment 1, for the charter schools that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools (ACCS) met on April 11, 2012, and voted to recommend approval of a higher level of funding for the nonclassroom-based charter schools identified in Attachment 1. The motion passed six to one.

BRIEF HISTORY OF KEY ISSUES

The nonclassroom-based charter schools listed in Attachment 1 are requesting a higher level of funding for a previously-approved determination of funding.

Pursuant to *5 CCR* Section 11963.6(g), both charter schools seek the reconsideration of their current SBE-approved 70 percent two-year determination of funding, and a higher determination of funding at 85 percent for five years pursuant to mitigating circumstances under *5 CCR* Section 11963.4(e). The determination of funding requests and additional supporting documentation provided by the charter schools contain the same financial data as previously submitted by the charter schools which was considered at the May and July ACCS meetings and the September SBE meeting.

Previously, the CDE evaluated the two charter schools' rationale for preparing their determination of funding requests. OFY Hermosa Beach submitted its determination of funding request containing prior year actual financial data as required pursuant to *5 CCR* Section 11963.3(a). OFY Victorville's request contained financial data based on a two-year averaging method. OFY Victorville used a methodology that included the averaging of revenues and expenditures for two prior fiscal years, 2008–09 and 2009–10. OFY Victorville argued that its approach was allowable under its current SBE-approved determination of funding that expired on June 30, 2011, and presented purported mitigating circumstances.

The CDE reviewed OFY Victorville's request and determined that the use of averaged fiscal year financial data did not conform to the regulatory requirements contained in *5 CCR* Section 11963.3(a)(5), nor did it comply with the applicable accounting and financial reporting standards (*5 CCR* Section 15071; California School Accounting Manual Procedure 810). This section requires a charter school that operated in the prior fiscal year to use prior fiscal year financial data to complete a determination of funding request. Additionally, since these are prospective requests, effective for the 2011–12 fiscal year, there is no regulatory authority for the use of previously approved mitigating circumstances to form the basis for a prospective determination of funding request. Instead, the CDE must consider a determination of funding request in accordance with the current regulatory requirements for reviewing the documented data regarding the individual circumstances of a charter school.

Therefore, neither OFY Hermosa Beach nor OFY Victorville meets the criteria for the requested higher (85 percent) determination of funding. Instead, their information indicates that they each meet the criteria set forth in *5 CCR* Section 11963.4(a)(1) for the current determination of funding of 70 percent. In sum, they each spent between 35 and 40 percent of their total public revenues on certificated teacher-employee compensation, and between 60 and 70 percent of their revenues on instruction and related services.

The proposed recommendation is for the 2011–12 and 2012–13 fiscal years. Approval by the SBE of the CDE's proposed recommendation to deny the redetermination

BRIEF HISTORY OF KEY ISSUES (Cont.)

requests will not affect the charter schools current SBE-approved 70 percent two-year determination of funding.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At the September 2011 SBE meeting, the CDE proposed a recommendation for a determination of funding of 70 percent for two years (2011–12 and 2012–13) for both OFY Hermosa Beach and OFY Victorville and rejection of the purported mitigating circumstances. At its July 2011 meeting, the ACCS approved the two charter schools' requests for a determination of funding of 85 percent for two years based in part on the mitigating circumstances specifically for increased reserves and lower expenditure levels for instruction and related services and certificated staff costs. Both recommendations were proposed to the SBE and the SBE adopted the CDE's recommendation

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 nonrecurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the CDE would continue providing apportionment funds under the charter school block grant funding model for the charter schools listed in Attachment 1. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation (1 Page)

Attachment 2: Excerpts from the California *Education Code* and the *California Code of Regulations* with Regard to Determination of Funding Requests (9 Pages)

Attachment 3: Mitigating Circumstances Request for Options for Youth-Hermosa Beach (7 Pages)

ATTACHMENTS (Cont.)

Attachment 4: Mitigating Circumstances Request for Options for Youth-Victorville (7 Pages)

California Department of Education
Determination of Funding Recommendation

Recommendation – Continuing Charter Schools
Fiscal Year 2011–12 through 2012–13

Charter Number	County	Charter School	First Year of Operation	ACCS Recommendation	CDE Recommendation
1131	Los Angeles	Options for Youth Hermosa Beach	2009–10	85% 2 Years	70% 2 Years
0013	San Bernardino	Options for Youth Victorville	1993–94	85% 2 Years	70% 2 Years

Excerpts from the California *Education Code* and the *California Code of Regulations* with Regard to Determination of Funding Requests

California *Education Code* Section 47612.5
General Requirements

(d)(1) Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (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. The determination for funding shall be subject to any conditions or limitations the State Board of Education may prescribe. The State Board of Education shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the State Board of Education shall be guided by subdivision (l) of Section 47605.

(d)(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. Notwithstanding any provision of law, the State Board of Education may require a charter school to provide updated information at any time it determines that a review of that information is necessary. The State Board of Education may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the charter school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 may not exceed five years.

California *Education Code* Section 47634.2
Nonclassroom-based instruction; funding determinations and allocations

(a)(1) Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction, as defined by paragraph (2) of subdivision (d)

of Section 47612.5, including funding provided on the basis of average daily attendance pursuant to Sections 47613.1, 47633, 47634, and 47664, shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school's total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.

***California Code of Regulations, Title 5* Section 11963.3**
Determination of Funding Request Forms and Calculations
a) For purposes of submitting a determination of funding request, the California Department of Education shall issue a form or set of forms to collect the information specified in this subdivision. Unless otherwise indicated, charter schools submitting a determination of funding request shall complete the form or forms in accordance with the definitions used in the 2005 edition of the California School Accounting Manual (which can be obtained from the California Department of Education web site at: http://www.cde.ca.gov/fg/ac/sa). The form or forms shall be developed by the California Department of Education in consultation with the Advisory Commission on Charter Schools. The form or forms shall include all of the following and, to the extent the form or forms include more than the following, the form or forms shall require the approval of the State Board of Education and comply with applicable provisions of the Administrative Procedure Act.

(1) The name, charter number, authorizing entity, address, contact name and title, telephone number, fax number, and email address, if any, for the charter school.

(2) The percentage requested by the school as its determination of funding.

(3) The number of fiscal years for which the determination of funding is requested, which shall not exceed five years.

(4) The date the charter was initially granted and the date the charter or charter renewal will expire.

(5) For charter schools that operated in the prior fiscal year, all of the following:

(A) The school's total resources, including all federal revenue, with federal Public Charter School Grant Program start-up, implementation, and dissemination grants separately identified; all state revenue; all local revenue with in-lieu property taxes separately identified; other financing sources; and the ending balance from the prior fiscal year.

(B) The school's total expenditures for instruction and related services, by object of expenditure, which shall include all of the following:

1. Activities dealing with the interaction between teaching staff and students, without regard to the instructional location or medium.

2. Services that provide administrative, technical, and logistical support to facilitate and enhance instruction.

3. Services in direct support of students.

4. School-sponsored extra-curricular or co-curricular activities designed to provide motivation and enjoyment and improvement of skills.

5. Instructional materials, supplies, and equipment.

(C) The school's total expenditures for schoolsite and administrative site operations and facilities, by object of expenditure, which shall include all of the following:

1. Activities concerned with securing and keeping open and working the physical plants, grounds, and equipment necessary for the operation of the school.

2. Facility rents, leases, and utilities.

3. Facilities acquisition and construction.

(D) The school's total expenditures for administration and all other activities, by object of expenditure, which shall include all of the following:

1. Activities concerned with establishing and administering policy for operating the entire charter school, such as the governing board, director, and administrative staff.

2. Other general administration activities, such as payroll and accounting services, auditing and legal services, property and liability insurance, personnel, charter-wide telephone service, and data processing services.

3. Supervisorial oversight fees charged by the chartering authority.

4. Other expenditures not reported elsewhere, such as those for community services and enterprise activities and cumulative administrative overhead from related party transactions.

(E) Other outgo and other uses, including debt service payments and transfers.

(F) The excess (or deficiency) of revenues over expenditures calculated by subtracting the total of subparagraphs (B), (C), (D), and (E), from the total resources reported pursuant to subparagraph (A), and a list of the amount of reserves for: facilities acquisition or construction, economic uncertainties, the amount required by the charter-authorizing entity,

or other reserves. Reserves in excess of the greater of fifty-thousand dollars or five percent of total expenditures may be allowed for economic uncertainties or long-term expenditures such as capital projects if the excess reserves are satisfactorily explained pursuant to section 11963.4(b).

(6) For charter schools that did not operate in the prior fiscal year, the revenue and expenditure information required in paragraph (5) shall be provided using reasonable estimates of current-year annualized revenues and expenditures.

(b) In addition to the form or forms prescribed pursuant to subdivision (a), a complete determination of funding request shall also include the following information. Only a determination of funding request that is complete may be acted upon by the State Board of Education.

(1) A certification signed by the charter school's director, principal, or governing board chairperson of the following:

(A) That the information provided is true and correct to the best of the ability and knowledge of the individual authorized to do so by the charter school's governing board.

(B) That the charter school's nonclassroom-based instruction is conducted for and substantially dedicated to the instructional benefit of the school's students.

(C) That the governing board of the charter school has adopted and implements conflict of interest policies.

(D) That all of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services, and considerations rendered for or supplied to the school.

(2) The charter school's pupil-teacher ratio as calculated pursuant to title 5, section 11704 of the California Code of Regulations.

(3) A listing of entities that received in the previous fiscal year (or will receive in the current fiscal year) $50,000 or more or 10 percent or more of the charter school's total expenditures identified pursuant to subparagraphs (B), (C), (D), and (E) of paragraph (5) of subdivision (a), the amount received by each entity; whether each of the contract payments is based on specific services rendered or upon an amount per unit of average daily attendance or some other percentage; and an identification of which entities, if any, have contract payments based on a per unit average daily attendance amount or some other percentage.

(4) An identification of the members comprising the charter school's governing board (i.e., parent, teacher, etc.) and a description of how those members were selected; whether the governing board has adopted and implemented conflict of interest policies and procedures;

and whether any of the governing board members are affiliated in any way with any of the entities reported pursuant to paragraph (3) and if so, how.

(5) An explanation of all transfers reported pursuant to subparagraph (E) of paragraph (5) of subdivision (a).

(6) A list and the amount of each of the other reserves reported pursuant to subparagraph (F) of paragraph (5) of subdivision (a).

(7) To the extent that a charter school desires to have facility costs considered as an instructional cost, the total annual facility-related and operational cost, total facility square footage occupied by the charter school, total classroom-based average daily attendance (if applicable) as reported at the prior-year second principal apportionment, and the total student hours attended by nonclassroom-based pupils at the school site shall be provided.

(8) The number of full-time equivalent employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing and who work in the charter school in a position required to provide direct instruction or direct instructional support to students. For purposes of these regulations, “direct instructional support” includes, but is not limited to, activities that are directly related to student instruction that are performed by qualified certificated persons such as curriculum coordinators, individualized education plan coordinators, librarians, counselors, psychologists, and nurses.

(c) The California Department of Education shall perform the following using the resource and expenditure data provided pursuant to subdivision (a).

(1) A calculation showing the charter school's total expenditures for salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students) as a percentage of the school's total public revenues. For the purposes of this subdivision:

(A) “Employees” shall include special education teachers who possess a valid teaching certificate, permit, or other document equivalent to that which special education teachers in non-charter public schools would be required to hold issued by the Commission on Teacher Credentialing, and who provide direct instruction or direct instructional support to pupils of the charter school pursuant to a contract with a public or private entity.

(B) “Employees” shall include individuals who possess a valid certificate, permit, or other document equivalent to that which the individuals would be required to possess in a non-charter public school, issued by the Commission on Teacher Credentialing, and who are employed by a local education agency (LEA), provided all of the following conditions are met: the LEA is the employer of all the charter school's staff; the governing board of the

LEA is the governing authority for the charter school (i.e., the charter school is not a corporate entity separate from the LEA); and the LEA's employees are assigned exclusively to work at the charter school providing direct instruction or direct instructional support to students or, to the extent that the LEA's employees are assigned to work at the charter school on a part-time basis, the charter school pays for the services rendered by the employee providing direct instruction or direct instructional support to students on a documented, fee-for-service basis and not, for example, on the basis of a fixed annual amount, fixed percentage of average daily attendance revenue, or other basis that is not related to documented services actually rendered to the charter school. Under no circumstances shall certificated employees of an LEA be considered employees of a charter school for purposes of this subparagraph unless the charter school pays for the services rendered by the LEA's employees on a documented, fee-for-service basis.

(C) For purposes of this section, “employee” also means qualified persons that provide direct instruction or direct instructional support, that are hired directly by the charter school through an employment services contract based on a documented, fee-for-service basis.

(D) The school's total public revenue is based on the amounts reported pursuant to subparagraph (A) of paragraph (5) of subdivision (a) and equals the sum of: all federal revenue, less any Public Charter School Grant Program start-up, implementation, and dissemination grant funds; state revenue; and local revenue from in-lieu property taxes.

(2) A calculation showing the charter school's total expenditures on instruction and related services as a percentage of the school's total revenues. For the purposes of this subdivision, the school's total revenues do not include the ending balance from the prior fiscal year.

***California Code of Regulations, Title 5* Section 11963.4**
Evaluation of Determination of Funding Requests Regarding Nonclassroom-Based Instruction

(a) When a complete determination of funding request is received from a charter school, it shall be reviewed by the California Department of Education and presented to the Advisory Commission on Charter Schools, along with credible information pertaining to the request obtained from any other source. The Advisory Commission shall develop a recommendation pursuant to this section to the State Board of Education regarding the request, and that recommendation shall be presented to the State Board of Education by the California Department of Education. The following criteria shall guide the process of reviewing and developing a recommendation on the request. The California Department of Education shall report any difference of opinion between the California Department of Education and the Advisory Commission as to the recommendation presented to the State Board of Education.

(1) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals at least 35 percent but less than 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 60 percent but less than 70 percent, the Advisory Commission on Charter Schools shall recommend to

the State Board of Education approval of the request at 70 percent, unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(2) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 70 percent but less than 80 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying a percentage that is greater than 70 percent and, if the recommended percentage is lower than the requested percentage, the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(3) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals or exceeds 80 percent, and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1 or the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 100 percent (i.e. full funding), unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(4) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 is less than 35 percent, or the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 is less than 60 percent, then the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students, and the Advisory Commission on Charter Schools shall recommend that the State Board of Education deny the request, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying the denial and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school. Denial of a determination of funding request by the State Board of Education shall result in no funding being apportioned for average daily attendance identified by the charter school as being generated through nonclassroom-based instruction pursuant to Education Code section 47634.2(c).

(5) Any request for a funding determination received prior to the effective date of these regulations will be reviewed pursuant to the criteria in effect at the time of submittal.

(b) The Advisory Commission on Charter Schools and/or the California Department of Education may ask the charter school to provide additional information in order to make possible a more detailed review or to develop a reasonable basis for a recommendation other than those prescribed in subdivision (a). With the consent of the Superintendent of Public Instruction, the request for additional information shall be considered a reasonable inquiry to which the charter school must respond pursuant to Education Code section 47604.3.

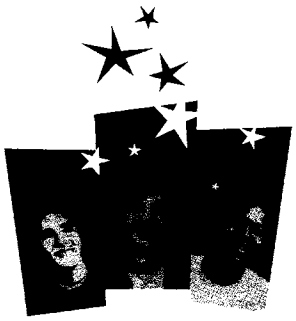
(c) Any multi-year funding determination approved by the State Board of Education may be modified by the State Board of Education, in terms of both the multi-year approval and the percentage of funding authorized, if any information that may change the conclusion to approve the original multi-year funding determination is found.
(d) Prior to a recommendation by the Advisory Commission on Charter Schools (that a determination of funding request be denied or approved at a percentage lower than that requested) being forwarded to the State Board of Education, the affected charter school shall be given thirty (30) calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the Advisory Commission may modify its recommendation to the State Board.

(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.

***California Code of Regulations, Title 5* Section 11963.6**
Submission and Action on Determination of Funding Requests Regarding Nonclassroom-Based Instruction
(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school's

actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.

(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.



MAR 12 2012

March 7, 2012

Ms. Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street, Room 5401
Sacramento, CA 95814

Re: SB 740 Funding Redetermination for 85% funding with mitigating circumstances
Charter #1131 Options For Youth – Hermosa Beach

Dear Ms. Baltazar:

In accordance with 5 CCR 11963.6(g), Options For Youth – Hermosa Beach ("OFY-HB") is requesting a redetermination of its September 7, 2011 funding determination. We are requesting that the Advisory Commission on Charter Schools ("ACCS") review OFY-HB's funding determination for 2011-2013 and approve an 85% funding recommendation at their April 11, 2012 meeting.

Enclosed for department and ACCS review is the revised 2010-2011 SB740 filing, which included the allowable facilities expenditures, provided to the department during the previous funding determination process (Exhibit A.1) as well as the original SB740 Submission for OFY-HB (Exhibit B.1).

At its March 11, 2010 meeting the State Board of Education ("SBE") considered and recognized that mitigating factors, including funding cuts and cash deferrals, warranted the approval of a reasonable reduction in required expenditure levels and permitted OFY-HB to meet 35% certificated expenditures and 61.25% overall instructional expenditures to qualify for 85% funding under the funding determination process. OFY-HB relied upon and implemented these reduced expenditure levels.

On September 7, 2011, the SBE considered the 2011-13 funding determination for OFY-HB. The school requested mitigating factors again be considered due to the continuing budget crisis and the forms submitted documented 2010-11 audited expenditure levels that complied with those approved by the SBE for 85% funding based on mitigating factors. The SBE made a determination of a 70% funding rate for 2011-13.

Because of the short time frame, we will be following up with a phone call to confirm receipt and placement on the agenda. We also request a time to meet with you to discuss the submission.

If you should have any further questions, please feel free to contact me by phone at (626)204-2500 or e-mail at joanhall@ofy.org.

Sincerely,

Joan Hall

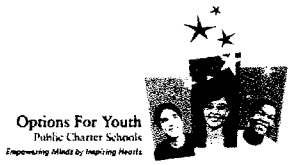
Joan Hall
President

Options For Youth
Public Charter Schools
Empowering Minds by Inspiring Hearts

320 North Halstead Street, Suite 280, Pasadena, California 91107 P. 626.685.9300 F. 626.685.9316 ofy.org

EXHIBIT B.1

Original Submission 1-31-11. Approved Mitigation
Prior Year Only Missing Allowable Facilities (2F)



MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS

FROM: JOAN HALL, PRESIDENT—OPTIONS FOR YOUTH-HERMOSA BEACH PUBLIC CHARTER SCHOOLS

SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS

DATE: 1/31/2011

This memo outlines Options For Youth-Hermosa Beach Public Charter Schools' request for funding and operational flexibility through the "reasonable basis" provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Options For Youth Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State's economic crisis. During the pendency of the budget crisis, Options For Youth-Hermosa Beach Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The "reasonable basis" would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

Charter School Name	Charter School Number	Current Funding Level
Options For Youth – Hermosa Beach	1131	85%

Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California's charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools' total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to a develop a "two-track" budget proposal for the 2011-12 school year, one based on the Governor's flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state's budget also creates uncertainty of possible

retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09 school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools' audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional "thresholds" until half way through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

40%	Current Certificated Spending Requirement
(5%)	Less Reduction of 12.5% (40% times 12.5%)
35%	New Certificated Spending Requirement

The school determined that a 61.25% expend rate for instructional compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remain relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

70%	Current Instructional Spending Requirement
(8.75%)	Less Reduction request of 12.5% (70% times 12.5%)
61.25%	New Instructional Spending Requirement

The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding

Options For Youth-Hermosa Beach opened its first center in September 2009 and is in the process of opening additional locations during the school year 2011-12, and as a non-classroom based program, OFY-Hermosa Beach is ineligible for Proposition 39 funding. Since 2009, Options For Youth-Hermosa Beach has grown by 90 ADA. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Options For Youth-Hermosa Beach success in assisting students in graduation has been remarkable. OFY-Hermosa Beach served 510 students during the 2009-10 school year and graduated 19 students with a 88% socioeconomically disadvantaged student population (see attached). OFY-Hermosa Beach received a 2010 Growth API score of 632 and is ranked well within Jack O'Connell's selection of Model Continuation High Schools (see attached).

A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

- **Spending on instructional costs**—Options For Youth-Hermosa Beach Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on "instruction and related services" whereas current law requires spending at a 70 percent level for 85 percent funding. Options For Youth Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**— Options For Youth-Hermosa Beach Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**— Options For Youth-Hermosa Beach Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily "smooth" the impact of budget changes over a multi-year period.

- **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude "one-time" funding sources (e.g., federal stimulus funding).

- **Coping with cash flow deferrals**—for funding determination purposes, Options For Youth-Hermosa Beach Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

Circumstance:

Options For Youth-Hermosa Beach Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Options For Youth-Hermosa Beach Charter Schools have expanded their services, added new programs, expanded their hours of operations to include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools' ability to meet the increasing demand of the at-

risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or expanding a location. This requirement, a "Conditional use Permit" is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Options For Youth – Hermosa Beach has experienced an ADA growth of 26.20% since September 2009. The additional growth has increased the Charter school's required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Options For Youth Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as "instruction and related services" costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Options For Youth-Hermosa Beach Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state's desire to ensure that Options For Youth-Hermosa Beach Public Charter Schools' funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.

EXHIBIT B.1

Original Submission 1-31-11. Approved Mitigation
Prior Year Only Missing Allowable Facilities (2F)

January 31, 2011

Mr. James Harris
Charter Schools Division
California Department of Education
1430 N Street, Room 5401
Sacramento, CA 95814

Re: Funding Determination submission for 85% funding with mitigating circumstances
Charter #1131 Options For Youth – Hermosa Beach

Dear Mr. Harris:

Enclosed is the 2010/2011 Funding Determination package for Options For Youth (OFY) Public Charter School-Hermosa Beach.

At the meeting held on March 11, 2010, the California State Board of Education approved our request for 85% funding with mitigating circumstances.

The mitigating circumstances as approved are summarized as follows:

- **Spending on instructional costs**—OFY Public Charter Schools were required to direct at least 61.25 percent of their expenditures on "instruction and related services" whereas current law requires spending at a 70 percent level for 85 percent funding. The schools had the option of averaging expenditures over any two consecutive years, which includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**—OFY Public Charter Schools were required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools had the option of averaging expenditures over any two consecutive years, which includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**—OFY Public Charter Schools were permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve permitted a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily "smooth" the impact of budget changes over a multi-year period.

- **Coping with cash flow deferrals**—for funding determination purposes, OFY Public Charter Schools were permitted to book the receipt of deferred state funding on either an accrual or cash basis. Schools that took advantage of this flexibility would, for funding determination purposes, be required to book expenditures related to deferred revenues in the same year as they book the related revenues. Thus, schools would ultimately be required to still meet the expenditure targets specified

EXHIBIT B.1

Original Submission 1-31-11. Approved Mitigation
Prior Year Only Missing Allowable Facilities (2F)

above, but could defer booking of income and the related expenditures into the year when the cash was actually received.

- **Allowable facilities expenditures**— OFY Public Charter Schools were given an additional option to count up to 60 (sixty) percent of their facilities costs as "instruction and related services" costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula was an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

The enclosed Funding Determination package has been completed utilizing the approved mitigation criteria with the allowable facilities expenditures. The summary table below indicates the percentages exceed the approved mitigating criteria:

	Actuals		Mitigating
OFY-Hermosa Beach	June 30, 2010	%	Approved %
Information taken from the SB740 column			
on Page 10 of the independent auditor's reports			
Total SB740 Revenues	1,280,950		
Salaries and benefits - Certificated	494,628	38.61%	35.00%
Total Instruction and related services and allowable facilities expenditures:	799,690	62.43%	61.25%

Please feel free to contact me at (626)204-2508 or e-mail bmiller@ofy.org if there are any questions on our submission.

Sincerely,

Brenda Miller
Director of Accounting

MAR 12 2012

March 7, 2012

Ms. Julie Baltazar
Charter Schools Division
California Department of Education
1430 N Street, Room 5401
Sacramento, CA 95814

Re: SB 740 Funding Redetermination for 85% funding with mitigating circumstances
Charter #0013 Options For Youth – Victor Valley

Dear Ms. Baltazar:

In accordance with 5 CCR 11963.6(g), Options For Youth – Victor Valley ("OFY-VV") is requesting a redetermination of its September 7, 2011 funding determination. We are requesting that the Advisory Commission on Charter Schools ("ACCS") review OFY-VV's funding determination for 2011-2013 and approve an 85% funding recommendation at their April 11, 2012 meeting.

Enclosed for department and ACCS review is an illustrative 2010-2011 SB740 filing based on prior year financials only, which was provided to the Charter Schools Division during a meeting with OFY-VV on July 21, 2011 (Exhibit A.2), as well as the original SB740 Submission for OFY-VV (Exhibit B.2).

At its March 11, 2010 meeting the State Board of Education ("SBE") considered and recognized that mitigating factors, including funding cuts and cash deferrals, warranted the approval of a reasonable reduction in required expenditure levels and permitted OFY-VV to meet 35% certificated expenditures and 61.25% overall instructional expenditures to qualify for 85% funding under the funding determination process. OFY-VV relied upon and implemented these reduced expenditure levels.

On September 7, 2011, the SBE considered the 2011-13 funding determination for OFY-VV. The school requested mitigating factors again be considered due to the continuing budget crisis and the forms submitted documented 2010-11 audited expenditure levels that complied with those approved by the SBE for 85% funding based on mitigating factors. The SBE made a determination of a 70% funding rate for 2011-13.

Because of the short time frame, we will be following up with a phone call to confirm receipt and placement on the agenda. We also request a time to meet with you to discuss the submission.

If you should have any further questions, please feel free to contact me by phone at (626)204-2500 or e-mail at joanhall@ofy.org.

Sincerely,

Joan Hall

Joan Hall
Vice President

Options For Youth
Public Charter Schools
Empowering Minds by Inspiring Hearts

320 North Halstead Street, Suite 280, Pasadena, California 91107 P. 626.685.9300 F. 626.685.9316 ofy.org

EXHIBIT B.2

Original Submission 1-31-2011 with Approved Mitigation
Averaging Applied to Funding Determination Form

MEMORANDUM

TO: ADVISORY COMMISSION ON CHARTER SCHOOLS

FROM: JOHN HALL, PRESIDENT—OPTIONS FOR YOUTH-VICTOR VALLEY PUBLIC CHARTER SCHOOLS

SUBJECT: REQUEST FOR MITIGATING CIRCUMSTANCES FOR SB740 FUNDING DETERMINATIONS

DATE: 1/31/2011

This memo outlines Options For Youth-Victor Valley Public Charter Schools' request for funding and operational flexibility through the "reasonable basis" provisions provided for in the regulations that govern the nonclassroom-based funding determination process.

Options For Youth Public Charter Schools appreciate the opportunity to request these mitigating circumstances that have resulted from the recent budget cuts due to the State's economic crisis. During the pendency of the budget crisis, Options For Youth-Victor Valley Public Charter School would be deemed to have met the requirements for eighty-five percent funding under the funding determination process providing they meet the below criteria in lieu of the ones currently specified by law. The "reasonable basis" would be deemed to exist until such time as funding for the Charter General-Purpose Grant and Categorical Block Grants return to levels specified in statute and confirmed by the ACCS.

Charter School Name	Charter School Number	Current Funding Level
Options For Youth – Victor Valley	0013	85%

Circumstance:

The schools face great uncertainty of further funding cuts for the 2011-12 school year, and it is generally understood and recommended that California's charter schools anticipate a budget cut of 6.10%. The deferred payments of ADA, Supplemental and P2 adjustments account for 25.00% of the schools' total revenue which is deferred until the next fiscal year, an increase from the 22.80% deferral in the prior years. Educational support organizations including, the CSDC School Services and the Department of Finance advised charter schools to a develop a "two-track" budget proposal for the 2011-12 school year, one based on the Governor's flat funding proposal and the second track based on an approximate budget cut of 6.10%, creating a total budget cut of approximately 14.00% since 2008. The unpredictable nature of the state's budget also creates uncertainty of possible

retroactive budget cuts. For example, schools were not informed until July 2009, that the expected 8% cut, would actually be only 2.6%, which created a 5.4% variance in total funding for the 2008-09 school year creating structural uncertainties relative to whether or not certificated and instructional thresholds could be met because of the 5.4% variance in total funding for a school fiscal year which had already closed. These structural uncertainties and deferred payments from the state delays the information required to complete and submit the schools' audited financials by approximately 6 months after the June close of the fiscal year. This resulted in the schools not knowing if they had met their certificated and instructional "thresholds" until half way through the following year.

The school determined that a 35% expend rate for certificated staff compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remained relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

40%	Current Certificated Spending Requirement
(5%)	Less Reduction of 12.5% (40% times 12.5%)
35%	New Certificated Spending Requirement

The school determined that a 61.25% expend rate for instructional compensation would be the amount of flexibility needed due to the approximate 14.00% funding cuts the school received since 2008. We have reviewed all expenses and recognized certain fixed costs such as rent, maintenance and utilities remain relatively constant. Our relief would need to be from the variable certificated and instructional costs. The Charter School calculated a 12.5% reduction of certificated and instructional expenses would be sufficient. The school is requesting to maintain this relief for the new funding determination request for the fiscal year 2011/2012 for the duration of the funding determination approval.

70%	Current Instructional Spending Requirement
(8.75%)	Less Reduction request of 12.5% (70% times 12.5%)
61.25%	New Instructional Spending Requirement

The Charter School also requested to increase the reserve limit to 10% of the expenses in order for the Charter School to build a prudent reserve while experiencing funding cuts and payment delays. A 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding

Options For Youth-Victor Valley served over 4,500 students during the 2009-10 school an increase of 14.2% from the previous school year, and as a non-classroom based program, OFY-Victor Valley is ineligible for Proposition 39 funding. This increase directly impacts the facilities of the Charter Schools, as they must ensure adequate room is available for the student population growth. Each new center has an initial opening start-up cost of $250K-$300K with additional monthly costs for the first year. The breakeven duration of a center is approximately 2 – 3 years.

Options For Youth-Victor Valley's success in assisting students in graduation has been remarkable. OFY-Victor Valley graduated 322 students during the 2009-10 school year with a 84% socioeconomically disadvantaged student population (see attached). OFY-Victor Valley has increased their API score by 47 basis point since 2005 and is ranked well within Jack O'Connell's selection of Model Continuation High Schools (see attached).

A recent study by Dr. James Catteral, Professor at the Graduate School of Education and Information, University of California at Los Angeles focuses on benefits and costs of recovering school dropouts through societal, individual and various public services. Based on annual numbers of actual graduates, the benefit-cost ratio of dropout recovery through this charter school returns $4,000 for every $1,000 invested.

Relief

- **Spending on instructional costs**—Options For Youth-Victor Valley Public Charter Schools would be required to direct at least 61.25 percent of their expenditures on "instruction and related services" whereas current law requires spending at a 70 percent level for 85 percent funding. Options For Youth Public Charter Schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**— Options For Youth-Victor Valley Public Charter Schools spending on certificated staff compensation would be required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools would have the option of averaging expenditures over any two consecutive years, that includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**— Options For Youth-Victor Valley Public Charter Schools would be permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve would permit a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily "smooth" the impact of budget changes over a multi-year period.

- **One-time funding sources excluded**—when calculating the above spending targets and reserve thresholds, schools would be permitted to exclude "one-time" funding sources (e.g., federal stimulus funding).

- **Coping with cash flow deferrals**—for funding determination purposes, Options For Youth-Victor Valley Public Charter Schools would be permitted to book the receipt of deferred state funding on either an accrual or cash basis. Thus, schools would ultimately be required to still meet the expenditure targets specified above, but could defer booking of income into the year when the cash is actually received.

Circumstance:

Options For Youth-Victor Valley Public Charter Schools, in recent years, have experienced an increased number of students looking for alternative schooling options. In our current economy, there has been an additional influx of students who are working full time to support their families. Due to this increase, Options For Youth-Victor Valley Charter Schools have expanded their services, added new programs, expanded their hours of operations to include Saturday and night school and acquired new facilities. However, the funding cuts and deferred payments have placed a huge strain on the schools' ability to meet the increasing demand of the at-risk population of dropouts. In addition, the State of California has added a significant burden to charter schools when opening or

expanding a location. This requirement, a "Conditional use Permit" is administered by each local municipality and has added additional time of approximately 6 months and increased costs by approximately 30% for each additional location.

Options For Youth – Victor Valley has experienced a growth in ADA of 22.8% since July 2008. The additional growth has increased the Charter school's required spending for Certificated Staff and Instructional costs as outlined by SB740. To provide the flexibility that is needed due to the approximate 14.00% funding cut from the State since 2008, and the 3-6 month delay in State funding payments, the Charter School requests the reserve limit to be increased to 10%. This increase will also allow the Charter School to provided relief in the certificated staff and instructional costs for economic uncertainties and future growth due to the increased at-risk student population. The 10% cash reserve over a 12 month fiscal calendar is a 1.2 month reserve which is necessary because of the significant delay in funding.

Relief

- **Allowable facilities expenditures**— Options For Youth Public Charter Schools would be given an additional option to count up to 60 (sixty) percent of their facilities costs as "instruction and related services" costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula proposed here would be an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

Given the unprecedented magnitude of the funding cuts and cash deferrals, and given the unstable and unpredictable nature of charter school funding streams, the above request represents a modest and reasonable adjustment to the pre-existing requirements for Options For Youth-Victor Valley Public Charter Schools to qualify for 85 percent funding under the funding determination process. We hope, the flexibility proposed here will strike a reasonable balance between the state's desire to ensure that Options For Youth-Victor Valley Public Charter Schools' funds are directed primarily for the benefit of students while still permitting a reasonable degree of flexibility and stability in an otherwise chaotic budgetary environment.

EXHIBIT B.2

Original Submission 1-31-2011 with Approved Mitigation
Averaging Applied to Funding Determination Form

January 31, 2011

Mr. James Harris
Charter Schools Division
California Department of Education
1430 N Street, Room 5401
Sacramento, CA 95814

Re: Funding Determination submission for 85% funding with mitigating circumstances
Charter #0013 Options For Youth – Victor Valley

Dear Mr. Harris:

Enclosed is the 2010/2011 Funding Determination package for Options For Youth (OFY) Public Charter School-Victor Valley.

At the meeting held on March 11, 2010, the California State Board of Education approved our request for 85% funding with mitigating circumstances.

The mitigating circumstances as approved are summarized as follows:

- **Spending on instructional costs**—OFY Public Charter Schools were required to direct at least 61.25 percent of their expenditures on "instruction and related services" whereas current law requires spending at a 70 percent level for 85 percent funding. The schools had the option of averaging expenditures over any two consecutive years, which includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Spending on certificated staff compensation**—OFY Public Charter Schools were required to direct at least 35 percent of their expenditures toward eligible certificated staff costs whereas current law requires spending at a 40 percent level for 85 percent funding. To comply with the expenditure requirement, schools had the option of averaging expenditures over any two consecutive years, which includes the current fiscal year and either the prior or successive fiscal year period to comply with expenditure requirements.

- **Reserves**—OFY Public Charter Schools were permitted to establish and maintain budget reserves for economic uncertainty at a level of 10 percent of budgeted expenditures whereas current law establishes a 5 percent reserve threshold. This level of reserve permitted a modest degree of additional flexibility to enable the schools to establish more prudent reserves and to more readily "smooth" the impact of budget changes over a multi-year period.

- **Coping with cash flow deferrals**—for funding determination purposes, OFY Public Charter Schools were permitted to book the receipt of deferred state funding on either an accrual or cash basis. Schools that took advantage of this flexibility would, for funding determination purposes, be required to book expenditures related to deferred revenues in the same year as they book the related revenues. Thus, schools would ultimately be required to still meet the expenditure targets specified

EXHIBIT B.2

Original Submission 1-31-2011 with Approved Mitigation
Averaging Applied to Funding Determination Form

above, but could defer booking of income and the related expenditures into the year when the cash was actually received.

- **Allowable facilities expenditures**— OFY Public Charter Schools were given an additional option to count up to 60 (sixty) percent of their facilities costs as "instruction and related services" costs toward the above-referenced 61.25 percent spending target for instruction and related costs. The simple 60 percent formula was an optional, alternative method that could be chosen in lieu of the existing facilities formula (schools would choose one of the two methods but could not combine them).

The enclosed Funding Determination package has been completed utilizing the results of the two year averaging approach for the years ended June 30, 2009 and 2010 as reported in the SB740 column of the independent audit reports on page 10. The summary table below indicates that the actual 2 year average percentages exceed the approved mitigating criteria:

	Actuals - June 30			2-Year Average		Mitigating Approved
OFY-Victor Valley	2009	2010	Total $	$	%	%
Information taken from the SB740 column on Page 10 of the independent auditor's reports						
Total SB740 Revenues	11,823,792	11,954,102	23,777,894	11,888,947		
Salaries and benefits - Certificated	4,782,577	4,324,787	9,107,364	4,553,682	38.58%	35.00%
Total Instruction and related services	8,469,011	7,326,468	15,795,479	7,897,739	66.43%	61.25%

Please feel free to contact me at (626)204-2508 or e-mail bmiller@ofy.org if there are any questions on our submission.

Sincerely,

Brenda Miller

Brenda Miller
Director of Accounting

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Long Valley Charter School: Hold a Public Hearing and Consider Revocation Pursuant to California *Education Code* Section 47607(e).	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUES

The California Department of Education (CDE) has found that Long Valley Charter School (LVCS) has committed material violations of the conditions, standards, and/or procedures set forth in the charter and has violated provisions of law. If the State Board of Education (SBE) finds sufficient grounds for revocation, the CDE recommends that the SBE adopt the Final Decision to Revoke and Notice of Facts in Support of the Revocation of the Long Valley Charter School (Attachment 1), effective 4 p.m., Friday, June 29, 2012.

RECOMMENDATION

If on May 9, 2012, the SBE issues a Notice of Intent to Revoke the charter of the LVCS, the CDE recommends that the SBE hold a public hearing on May 10, 2012, to consider the revocation of the LVCS charter.

If the SBE finds sufficient grounds for revocation, the CDE recommends that the SBE adopt the Final Decision to Revoke and Notice of Facts in Support of the Revocation of the Long Valley Charter School (Attachment 1), effective 4 p.m., Friday, June 29, 2012.

If the SBE adopts Attachment 1, LVCS is directed to comply immediately with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between the SBE and LVCS, with the exception of keeping the school open until 4 p.m., Friday, June 29, 2012, for the purpose of transitioning all LVCS students to a new school.

BRIEF HISTORY OF KEY ISSUES

EC Section 47607(d) specifies, "prior to revocation, the authority that granted the charter shall notify the charter public school of any violation of this section and give the school a reasonable opportunity to remedy the violation." The SBE notified LVCS of the alleged violations on February 8, 2012, and the SBE issued a Notice of Violation to LVCS at its March 8, 2012, meeting.

LVCS was given until April 3, 2012, to submit evidence to Sue Burr, Executive Director of the SBE, that refuted, remedied, or proposed to remedy the alleged violations. In addition, LVCS was given the opportunity to present evidence at the April 11, 2012, meeting of the Advisory Commission on Charter Schools (ACCS).

If the SBE issues a Notice of Intent to Revoke, it must provide written findings of fact in support of revocation to LVCS, along with a notice of public hearing.

The CDE recommends that if, at the public hearing, the SBE finds that LVCS cannot present evidence that it can refute, remedy, or propose to remedy the alleged violations, the SBE issue the Final Decision to Revoke and Written Factual Findings to Support the Revocation of the Long Valley Charter School (Attachment 1), effective June 29, 2012, at 4 p.m.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

On May 9, 2012, the SBE is scheduled to consider evidence provided by LVCS, as well as recommendations of the ACCS and the CDE analysis and recommendations. If the SBE deems appropriate, the SBE will issue a Notice of Intent to Revoke the LVCS charter.

At the March 8, 2012, meeting, the SBE acted to issue a Notice of Violation to LVCS.

FISCAL ANALYSIS (AS APPROPRIATE)

There would essentially be no state cost related to revocation of the LVCS charter. If the SBE were to revoke the charter, some shifting of state expenditures would occur from LVCS to other local educational agencies (due to the transfer of students), but state expenditures would essentially be unchanged. There would be a minor loss of revenue to the CDE from the oversight fees collected from LVCS. However, the revenue loss would be offset by the reduction in costs for oversight activities.

ATTACHMENTS

Attachment 1: Draft Letter to Cindy Henry Dated May 10, 2012, Final Decision to Revoke and Notice of Facts in Support of Revocation Pursuant to California *Education Code* Section 47607(e) (5 Pages)

ATTACHMENTS (Cont.)

Attachment 2: Excerpts from the Memorandum of Understanding Between the California State Board of Education and the Long Valley Charter School Closure Procedures and Appendix E (10 Pages)

DRAFT LETTER
Final Decision to Revoke and Notice of Facts in Support of Revocation Pursuant to California *Education Code* Section 47607(e)

STATE OF CALIFORNIA EDMUND G. BROWN JR.,

CALIFORNIA STATE BOARD OF EDUCATION
1430 N Street, Suite 5111
Sacramento, CA 95814
Phone: (916) 319-0827
Fax: (916) 319-0175
Governor

May 10, 2012

Cindy Henry, Director
Long Valley Charter School
436-965 Susan Dr.
Doyle, CA 96109

Bill Harkness, President of the Long Valley Charter School Board of Directors
Long Valley Charter School
436-965 Susan Drive
Doyle, CA 96109

Dear Ms. Henry and Mr. Harkness:

Subject: Final Decision to Revoke and Notice of Facts in Support of Revocation Pursuant to California *Education Code* (*EC*) Section 47607(e)

This letter serves as notification that the State Board of Education (SBE) made a final decision to revoke the Long Valley Charter School (LVCS) effective 4 p.m., Friday, June 29, 2012, pursuant to *Education Code (EC)* 47607(e). LVCS is hereby directed to immediately comply with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between LVCS and the SBE, with the exception of keeping the school open until 4 p.m., Friday, June 29, 2012, for the purpose of transitioning all LVCS students to a new school. As set forth in Appendix E, LVCS will immediately notify the family of each student enrolled of LVCS' closure and assist the students and the Lassen County Office of Education in that transition.

On May 9, 2012, you were sent a Notice of Intent to Revoke letter. A hearing was held on May 10, 2012, regarding final revocation of the LVCS charter.

Education Code (*EC*) Section 47607(c) provides that a school's 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:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any provision of the law.

The State Board of Education (SBE) issued a Notice of Violation dated March 8, 2012, informing LVCS that have violated *EC* Section 47607(c)(1) and that this violation is the basis for an action to revoke the LVCS charter.

The Notice of Violation provided LVCS with an opportunity to submit evidence to the SBE by April 3, 2012, that refuted, remedied, or proposed to remedy the alleged violations. LVCS was also gave the opportunity to present that evidence to the Advisory Commission on Charter Schools (ACCS) at its April 11, 2012, meeting.

After consideration of the evidence presented by LVCS, the SBE concluded that LVCS failed to refute, remedy, or propose to remedy the violations included in the Notice of Violation as follows:

Facts relating to *EC* Section 47607(c)(1) that LVCS has committed a material violation of any of the conditions, standards, or procedures set forth in the charter that hinder its ability to open and operate in the 2012–13 school year:

- **Resource Centers:** In the petition originally submitted to the SBE for approval in July 2010, LVCS provided a description of an independent study program that made no mention of separate resource centers and tied the operation of the independent study program to the resources at the K–8 site in Doyle. The petition listed the address of the Doyle site as its only location. A condition of opening placed on LVCS by the SBE at the time of approval was that the petition include "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." In the 2010–11 and 2011–12 school years, LVCS operated and continues to operate resource centers for their non-classroom-based program without the prior written

approval of the Executive Director of the SBE, as required by the SBE Conditions on Opening and Operation. The LVCS intended to remedy this violation through the material revision process. The CDE sent LVCS a Notice of Concern on June 20, 2011, regarding unauthorized resource centers to which LVCS responded with a request for a material revision of its charter to include the resource centers. The CDE scheduled a material revision request for the September 28, 2011, ACCS meeting and the November 9, 2011, SBE meeting. After the agenda item was posted for the ACCS meeting, LVCS withdrew the material revision request on September 28, 2011, and requested it be postponed to a later meeting.

A second Notice of Concern was issued on October 18, 2011, to which LVCS responded with a second request for a material revision of its charter to include the resource centers.

The CDE scheduled a material revision request for the February 8, 2012, ACCS meeting and the March 8, 2012, SBE meeting. After the material revision was unanimously denied by the ACCS meeting, LVCS withdrew the material revision request prior to the March 8 SBE meeting. For the fourth time, the CDE received a LVCS request for a material revision on February 27, 2012, to address the unauthorized resource centers. The CDE scheduled a material revision request for the April 11, 2012, ACCS meeting and the May 9, 2012, SBE meeting.

The resource centers are described in the revised LVCS petition. The CDE found that two out of the three resource centers lack a certificate of occupancy from the local city planning department for educational purposes. Additionally, two out of the three resource centers are not compliant with the Americans with Disabilities Act. The CDE staff found several safety issues and has serious concerns over the lack of accessibility as it relates to the Americans with Disabilities Act (ADA). Student safety and ADA compliance are typically verified through the process of obtaining a certificate of occupancy through the local jurisdiction.

- **Enrollment**: The SBE approved the LVCS charter petition with enrollment of 272 students. Per the MOU between the SBE and LVCS, changes to the charter deemed to be material amendments may not be made without SBE approval, including changes in enrollment that differ by more than 25 percent of the enrollment approved by the SBE. This condition limits LVCS to a total of 340 students. After ongoing inquiries from CDE about fluctuating enrollment during the 2010–11 school year, in June of 2011, LVCS stated that enrollment had grown to 451 pupils. In the June 20, 2011, Notice of Concern, the CDE directed LVCS to comply with the approved enrollment. Despite receiving notices from CDE and ongoing communication between LVCS and the CDE, LVCS continues to increase

enrollment. At the beginning of the 2011–12 school year, LVCS stated that enrollment had grown to 510 students. In the October 18, 2011, Notice of Concern, the CDE again directed LVCS to comply with the terms of the charter. As of January 4, 2012, LVCS enrollment was reported at 498 students. Other than submitting a request for a material revision, LVCS has failed to address this concern and continued to enroll new students. The LVCS intended to remedy this violation through the material revision process.

- **Teacher Qualifications:** The LVCS petition states LVCS "shall comply with all applicable portions of the No Child Left Behind Act [NCLB]," and that "all LVCS current teachers have completed ELD course work or testing (SDAIE) to be able to instruct English Learners." LVCS stated at the April 11, 2011, ACCS meeting that all teachers were highly qualified.

  While the LVCS petition states assurances regarding highly qualified teachers and claims to have highly qualified teachers, the CDE finds LVCS continues to have teachers who are not highly qualified and who lack certification to teach English learners. The LVCS submitted a set of incomplete certificates of compliance documents in January 2012 and a second set of incomplete certificates of compliance documents on April 20, 2012. The CDE continues to work with LVCS to get a complete set of documentation. As of April 26, 2012, the CDE confirmed that not all LVCS teachers are highly qualified and the CDE has not received any further evidence to support LVCS' assertion.

Final Decision to Revoke

Based upon these facts, the SBE hereby issues this Final Decision to Revoke the LVCS charter effective 4 p.m., Friday, June 29, 2012. This revocation is based upon *EC* Section 47607(c)(1) in that LVCS has committed material violations of the conditions, standards, and/or procedures set forth in the charter that hinder its ability to open and operate in the 2012–13 school year.

LVCS is hereby directed to immediately comply with the closure procedures set forth in its charter and in Appendix E of the Memorandum of Understanding between LVCS and the SBE, with the exception of keeping the school open until 4 p.m., Friday, June 29, 2012, for the purpose of transitioning all LVCS students to a new school.

If you have any questions or need any additional information regarding this Final Decision to Revoke and Notice of Facts Supporting Revocation, please contact Sue Burr, Executive Director, SBE at 916-319-0938 or via e-mail at SBurr@cde.ca.gov.

Sincerely,

Dr. Michael Kirst
President
California State Board of Education

MK:sw

cc: Richard R. DuVarney, Superintendent, Lassen County Office of Education

Excerpts from the Memorandum of Understanding Between the California State Board of Education and the Long Valley Charter School Closure Procedures and Appendix E

Memorandum of Understanding Section 4.5: Notification Regarding Closure, Revocation, or Renewal

At the beginning of any closure or revocation process, the School shall immediately provide at its own expense a written notification to every parent, guardian, or caregiver describing all options available for students to transfer, including specific schools. The School shall also offer administrative assistance to parents, guardians, or caregivers to provide for a timely transfer of students to other schools.

One year before a renewal is to be considered, the School shall provide at its own expense a written notification to every parent, guardian, or caregiver describing the renewal process.

Memorandum of Understanding Section 4.7: Revocation

The State Board of Education (SBE) retains the right to revoke the charter pursuant to *Education Code* (*EC)* sections 47604.5 or 47607 for specified reasons with written notice to the School that shall specify concerns, alleged violations, and issues of non-compliance. The California Department of Education (CDE) will adhere to the requirements in *EC* sections 47607(c) through (e), and any regulations approved by the SBE and the Office of Administrative Law prior to revocation of the charter.

During the period prior to revocation, the School shall have the opportunity to work collaboratively with the CDE or its designee to address the concerns and develop a plan to remediate all areas to the satisfaction of the CDE and the SBE. During this period of time, the School shall attempt to resolve the concerns and complete remediation. This provision may require an amendment to the charter.

Under circumstances where the CDE determines there is a severe and imminent threat to the health or safety of students, the CDE may take immediate action to assure the safety and well being of the students including but not limited to closure of the School. The SBE will be apprised of the situation before any action is taken.

Memorandum of Understanding Section 4.8: Closure Procedures

The School's charter will include a description of the procedures to be used in the event the School closes. The procedures must, at a minimum, contain all of the elements in *California Code of Regulations*, Title 5, Section 11962 (see Appendix E).

If the School is to close permanently for any reason, the CDE will serve written notice on the School that the School's closure procedures have been invoked. The School will immediately notify the CDE of the specific individual responsible for coordinating the School's closure procedures. The CDE will identify a CSD staff member to work with the School to complete all closure activities.

Pursuant to *EC* Section 47604.3, the School expressly acknowledges the right of the CDE on behalf of the State Superintendent of Public Instruction to take immediate and direct control of the School's student and business records at any time after the CDE gives written notice that it is invoking the closure procedures.

Appendix E
Invoking Closure Procedures

Item	Description	Lead Contact	Due Date	Verified
1	In the case of revocation or non-renewal, the California Department of Education (CDE) shall notify the charter school in writing that the closure procedures have been invoked. In the case of voluntary surrender, the charter school shall notify the CDE in writing that the closure procedures have been invoked.			

Immediate Actions

Item	Description	Lead Contact	Due Date	Verified
2	The charter school shall immediately notify the CDE of the location of all student and business records. Following that notification, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except that student records may be copied for students' families or transferred to other schools, provided a notation is kept of the records copied or transferred.			
3	The charter school and the CDE shall each immediately identify an individual who will serve as the single point of contact for the entity regarding the school's close out activities.			
4	The CDE shall immediately notify the charter school in writing whether, on behalf of the State Superintendent of Public Instruction, it is taking over immediate and direct control of all the school's student and business records.			

Students and Families

Item	Description	Lead Contact	Due Date	Verified
5	The charter school shall notify the family of each student enrolled of the school's closure. Unless the CDE otherwise directs, the notification shall be immediate in the case of a revocation (that takes immediate effect) or shall occur within ten days of the invocation of the closure procedures in the case of closure at the end of current academic year.			
6	The charter school shall continue instruction until the end of the current academic year (unless a revocation takes immediate effect). The charter school shall publicly announce cancellation of all future classes.			
7	If the charter school continues instruction to the end of the current academic year, report cards shall be issued within seven days of the end of classes.			
8	The charter school shall notify surrounding school districts and the county office of education within fourteen days of the school's forthcoming closure (or immediate closure if a revocation takes immediate effect).			
9	The charter school shall provide information to students and families regarding alternative public school placements within 30 days of the announcement of the school's forthcoming closure, or immediately in the case of a revocation that takes immediate effect.			
10	The charter school shall offer to provide a copy of each student's cumulative file upon request of the student's family. The school shall provide the copy within seven days of a request being received, ensuring that the documents are given to the family member identified as having legal custody or guardianship of the student.			
11	The charter school shall comply within seven days to requests for the transfer of students' cumulative files to other public or private schools in which the students enroll.			

Item	Description	Lead Contact	Due Date	Verified
12	The charter school shall respond within seven days to inquiries from students and their families and from the media regarding the school's closure, the disposition of student and business records, and the alternative placement available to the students.			
13	The charter school shall provide the CDE within fourteen days with a list of students (names, addresses and phone numbers) in each grade level and the classes they have completed. Identify each student's district of residence, and a notation of where the student's records have been transferred.			
14	The charter school, if a local educational agency (LEA) in a special education local planning area (SELPA), shall notify the SELPA within fourteen days of the closure, complete all documentation necessary for special education students and transfer copies of the student's records to the SELPA.			
15	The CDE shall respond promptly to inquiries from students and their families and from the media as necessary.			

Student and Business Records

Item	Description	Lead Contact	Due Date	Verified
16	Once the closure procedures have been invoked, no student or business records shall be disposed of, moved, or duplicated without the express written consent of the CDE, except for the duplication or transfer of student cumulative files as noted.			
17	At the point the charter school is dissolved, the student and business records shall come under the exclusive control of the CDE which shall distribute, maintain, or dispose of the records as it determines appropriate.			

Item	Description	Lead Contact	Due Date	Verified
18	The charter school shall terminate all present leases, service agreements and other contracts not necessary for the close out of the school. Leases, service agreements, and contracts should be terminated in a cost effective manner in order to minimize expenses.			
19	The charter school shall return grant funds and restricted categorical funds to their source in accordance with the terms of the grant or state and federal law as appropriate. A final expenditure report for all grants will be submitted within fourteen days. Federal grants must be closed out, including the filing of the required Final Expenditure Reports and Final Performance Reports. Federal Forms 269 and 269a may apply if the school was receiving funds directly from the U.S. Department of Education.			
20	Close all financial records of the school as of revocation or closure date.			

Faculty and Staff

Item	Description	Lead Contact	Due Date	Verified
21	The charter school shall immediately notify its faculty and staff of the school's closure, providing each with necessary information related to compensation and retirement, including, but not limited to, any optional benefits that they may continue after the school closes.			

Item	Description	Lead Contact	Due Date	Verified
22	The charter school shall provide the CDE within fourteen days with a description of current and projected payroll and payroll benefits commitments through closure, including a list of each employee, and their job duties, and a projection of the funds necessary to: (1) transition the students and records; (2) complete all administrative closure related tasks; and (3) complete contracts and grants.			
23	The charter school shall provide CDE within fourteen days with notice of any outstanding payments to staff and the method by which the school will make the payments.			
24	The charter school will within fourteen days contact the California State Teachers' Retirement System (CalSTRS), California Public Employees' Retirement System (CalPERS), and the county office of education and follow their procedures for dissolving contracts and reporting, copying the CDE on all correspondence.			
25	Prior to final closeout, the charter school shall do all of the following on behalf of the school's employees: • File all final federal, state, and local employer payroll tax returns and issue final W-2s and Form 1099s by the statutory deadlines. • File the Federal Notice of Discontinuance with the Department of Treasury (Treasury Form 63). • Make final federal tax payments (employee taxes, etc.) • File the final withholding tax return (Treasury Form 165). • File the final return with the IRS (Form 990 and Schedule).			

Assets and Liabilities

Item	Description	Lead Contact	Due Date	Verified
26	The charter school shall notify all funding sources (including charitable partners) of the school's closure within fourteen days.			
27	The charter school shall immediately notify all contractors (such as a charter management organization, education management organization, food service provider, instructional service provider, or transportation service provider) of the school's closure.			
28	If the charter school has any agreements with organizations representing employees, the charter school shall notify the organizations of the school's closure as may be specified in the agreements.			
29	The charter school shall notify the CDE within fourteen days of all pending litigation to which the school is a party. The charter school shall immediately notify the CDE if litigation is filed thereafter up to the point that the school is formally dissolved.			
30	The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive list of creditors and debtors.			
31	The charter school, within 30 days, shall prepare and deliver to the CDE a comprehensive inventory of all assets.			

Item	Description	Lead Contact	Due Date	Verified
32	The charter school, within 30 days, shall prepare and deliver to the CDE a plan for the proposed disposal of all property owned by the school (and acquired with public funds) in order to maximize revenue in accordance with law, payment of any and all liabilities and the disbursement of any remaining assets of the school, liquidation of assets to pay off any and all outstanding liabilities, bearing in mind that assets paid for by state funds may be transferred in accordance with the nonprofit corporation's bylaws to another public agency such as another charter school. Assets donated to the school may be returned to donors or disposed of in accordance with donor's wishes. Net assets, (after the payment of outstanding liabilities), if any, may be transferred to another public agency such as another charter school.			
33	The charter school shall arrange for preliminary (if necessary) and final closure audits to be paid for from the special reserve or bond revenue. The auditor engaged to perform the audit(s) shall be from the list of approved school auditors maintained by the California State Controller's Office and shall be approved by the CDE. The audit(s) at a minimum shall determine the disposition of all assets and liabilities of the charter school and shall verify the school's comprehensive list of creditors and debtors, and the amounts owed or owing, as well as verify the school's comprehensive list of all assets by source, noting any restrictions on each asset's use.			
34	Based on the audit findings, and with the approval of the CDE, the charter school shall expend any identified assets to liquidate any identified liabilities.			

Dissolution of the School (Corporate) Entity

Item	Description	Lead Contact	Due Date	Verified
35	Following the resolution of all outstanding assets and liabilities, the charter school shall be dissolved. If established as a nonprofit public benefit corporation pursuant to California *Education Code* Section 47604, the corporation shall be dissolved.			

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Environmental Effect of the Proposed Unification of the Santa Paula Union High School District and the Santa Paula Elementary School District in Ventura County.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

A California Department of Education (CDE) analysis of a proposal to unify the Santa Paula Union High School District (UHSD) and the Santa Paula Elementary School District (ESD) is on the current agenda. That item proposes the consolidation of the high school district with one of its component elementary school districts. The California State Board of Education (SBE) excluded Santa Paula UHSD's three remaining component elementary school districts from the unification at its July 2010 meeting. The SBE must take action to comply with California Environmental Quality Act (CEQA) requirements before it can approve the unification, if it chooses to do so.

The SBE is the lead agency for all aspects of school district unifications, including reviewing potential impacts on the environment in accordance with CEQA. The first activity of the review is to determine whether the reorganization is a CEQA project (Attachment 1). The California *Public Resources Code* (*PRC*), Section 21065, defines project in pertinent part as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Further, the *California Code of Regulations,* Title14 (14 *CCR*) Section 15378(b)(5), states that "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" are not projects under CEQA.

If the unification is approved by voters, existing school sites in the districts will continue to serve the same student populations. No students will be required to change schools and no new classrooms, nor modification of any facilities, will be required to serve the current students. Thus, the CDE has determined that the proposed unification will not result in direct or reasonably foreseeable indirect physical changes in the environment.

If the SBE determines that the proposed unification (which essentially is a change in legal entities within a specified geographical area) is not a CEQA project, no further action is required under CEQA (Attachment 1).

RECOMMENDATION

The CDE recommends that the SBE determine that the proposed unification of the Santa Paula UHSD and the Santa Paula ESD is not a project under CEQA as defined in *PRC* Section 21065 and 14 *CCR* Section 15378(b)(5).

BRIEF HISTORY OF KEY ISSUES

In *Fullerton Joint Union High School District v. State Board of Education* (1982), 32 C. 3d 779, 187 Cal. Rptr. 398, the Supreme Court held that reorganization of school district boundaries may be a project within the scope and meaning of CEQA and that the SBE, as the state agency making the ultimate decision prior to the election for the formation of a new school district, is the lead agency. As the lead agency, the SBE is required to consider the effect of a proposed reorganization on the environment prior to approving such reorganization.

First, the public agency (SBE) determines whether an activity is a CEQA "project," which dictates the next steps of the process. If the SBE determines the reorganization is not a project (as previously described), no further action is required under CEQA, and the SBE may approve the reorganization if it determines it has merit.

If it is determined that an activity is a project—generally a reorganization that will require construction of a new school or movement of staff or students—there are three basic components for complying with CEQA (*PRC* Section 21000 et seq.). First, the lead agency must determine if the reorganization is exempt from CEQA. Second, if the project is not exempt, the lead agency must conduct an initial study to determine whether the proposed project (i.e., reorganization) may have a significant impact on the environment. Third, the lead agency files a negative declaration of environmental impact or completes an environmental impact report depending on the findings of the initial study.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has not previously considered this specific item. However, the SBE at its January 2008 meeting determined a similar consolidation of two districts—Hamilton UHSD and Hamilton Union ESD in Glenn County—was not a CEQA project (Item 30). Subsequently, at that same meeting, the SBE approved the Hamilton unification proposal (Item 31).

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal effect in determining the proposed unification is not a project under CEQA.

On the other hand, if the SBE determines the reorganization is a project under CEQA, it will not be able to approve the reorganization if it determines the proposal has merit prior to taking actions to comply with CEQA. Those actions could result in significant financial costs depending on the level and type of environmental effects identified, and may include the following:

- A contract with the California Department of General Services to oversee the CEQA process.
- A contract with an environmental consultant for the initial study.
- An environmental impact report or negative declaration, depending on the findings of the initial study.

The SBE may charge and collect reasonable fees for the costs associated with the environmental studies from the persons or entities proposing the project (14 *CCR*, Section 15045).

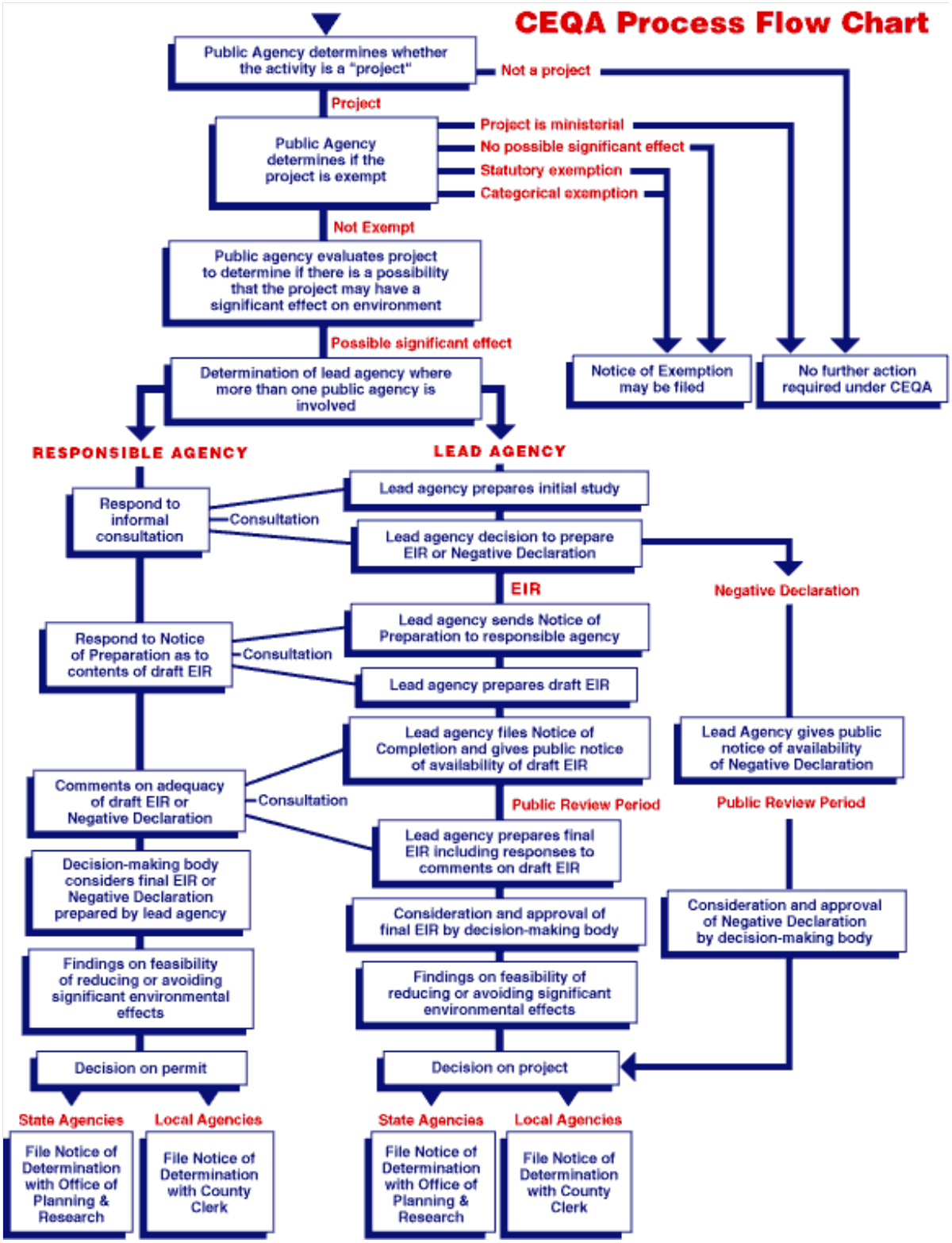
The SBE also has the option, if it determines the proposed unification is a project, of delaying action on the proposal pending local completion of the environmental review, with costs borne solely by a local agency.

ATTACHMENT(S)

Attachment 1: CEQA Process Flow Chart (1 page)

Attachment 2: Referenced Statutes and Regulations (2 pages)

California Natural Resources Agency



Source: http://www.ceres.ca.gov/ceqa/flowchart/
The CEQA Process Flowchart was created under the direction of the Resources Agency's General Counsel and through the assistance of the McGeorge School of Law Clinical Program.

Referenced Statutes and Regulations

Public Resources Code Section 21065:

"Project" means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

(a) An activity directly undertaken by any public agency.

(b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

California Code of Regulations, Title 14

Section 15045:

(a) For a project to be carried out by any person or entity other than the lead agency, the lead agency may charge and collect a reasonable fee from the person or entity proposing the project in order to recover the estimated costs incurred in preparing environmental documents and for procedures necessary to comply with CEQA on the project. Litigation expenses, costs and fees incurred in actions alleging noncompliance with CEQA are not recoverable under this section.

(b) Public agencies may charge and collect a reasonable fee from members of the public for a copy of an environmental document not to exceed the actual cost of reproducing a copy.

Section 15378:

(a) "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

(b) Project does not include:

1) Proposals for legislation to be enacted by the State Legislature;

2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered above);

3) The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative. (Stein v. City of Santa Monica (1980) 110 Cal.App.3d 458; Friends of Sierra Madre v. City of Sierra Madre (2001) 25 Cal.4th 165);

4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

(c) The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

(d) Where the Lead Agency could describe the project as either the adoption of a particular regulation under subdivision (a)(1) or as a development proposal which will be subject to several governmental approvals under subdivisions (a)(2) or (a)(3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis. This approach will implement the Lead Agency principle as described in Article 4.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Proposed Unification of the Santa Paula Union High School District and the Santa Paula Elementary School District in Ventura County.	☒ Action ☒ Information ☒ Public Hearing

SUMMARY OF THE ISSUE(S)

The Ventura County Committee on School District Organization (County Committee) received Resolution 6649 (Attachment 3), adopted February 1, 2010, from the Santa Paula City Council requesting the County Committee to conduct a preliminary hearing and study on unification of the Santa Paula Union High School District (UHSD) and the Santa Paula Elementary School District (ESD)—a component district of the Santa Paula UHSD. The Santa Paula UHSD contains three other component districts (Briggs ESD, Mupu ESD, and Santa Clara ESD). The City Council resolution notes that the Briggs, Mupu, and Santa Clara ESDs wish to maintain their independent status as elementary school districts (i.e., to be excluded from the unification pursuant to California *Education Code* [*EC*] Section 35542[b]). The resolution also notes that a volunteer citizen committee (Santa Paula Chamber of Commerce Education Committee) had investigated and reported the benefits of unification. The citizen committee study is based on the premise that Santa Paula needs only one school district office (instead of two a few blocks apart), one administration, and one school board. The citizen committee presentations included the following potential benefits of unification:

- One seamless kindergarten through grade twelve (K–12) program in which texts and classes may be aligned; resources, staff, and facilities may be shared; and professional development, student activities, parent organizations, and the curriculum may be coordinated.

- A smoother transition to high school for middle school students.

- One calendar for all grade levels and better support for families (coordination of schedules, meetings, and announcements).

- Greater flexibility in budgeting.

- Shift of dollars to the classroom as duplicate expenses are eliminated (one district office and superintendent; fewer board members, administrators, and managers; sharing of resources; and consolidation of operations).

SUMMARY OF THE ISSUE(S) (Cont.)

On March 17, 2010, the County Committee held the preliminary public hearing requested by the City Council. Following the preliminary public hearing, the County Committee voted to grant the City Council's proposal for the unification of the Santa Paula UHSD and the Santa Paula ESD and adopt the proposal as its own tentative recommendation pursuant to *EC* Section 35721(b).

The County Committee held additional public hearings and commissioned a feasibility study. During the County Committee proceedings, all five districts indicated they are neutral on the reorganization. The three small rural elementary districts (Briggs, enrollment 555; Mupu, enrollment 137; and Santa Clara, enrollment 55) are neutral because the State Board of Education (SBE) approved (July 2010) their requests to be excluded from the unification. The Santa Paula ESD (enrollment 3,661) has chosen not to take an active role in the unification, deferring instead to the electorate to decide the matter if the SBE approves the proposal. The Santa Paula UHSD (enrollment 1,626) maintains a neutral position, while expressing concerns regarding the fiscal stability of the Santa Paula ESD.

At a meeting on August 11, 2010, the County Committee determined the unification proposal substantially meets the nine conditions in *EC* Section 35753(a) and voted unanimously to recommend that the SBE approve the proposal to unify the Santa Paula UHSD and the Santa Paula ESD.

The California Department of Education (CDE) concurs with the County Committee determination that the unification proposal substantially meets the nine required conditions of *EC* Section 35753(a).

RECOMMENDATION

The CDE recommends that the SBE hold a public hearing and adopt the proposed resolution in Attachment 2, thereby approving the proposal to unify the Santa Paula UHSD and the Santa Paula ESD. The proposed resolution also includes additional provisions to the plans and recommendations of the proposal that are included in Section 7.0 of Attachment 1 (e.g., governing board membership, bonded indebtedness responsibilities, and area of election).

(The SBE has already excluded Santa Paula UHSD's three remaining component elementary districts [Briggs, Mupu, and Santa Clara] from the unification as authorized by *EC* Section 35542[b].)

BRIEF HISTORY OF KEY ISSUES

EC Section 35721 establishes a process by which city councils, county boards of supervisors, governing bodies of special districts, or local agency formation commissions may petition a county committee to consider the unification or other reorganization of an area. *EC* Section 35722 establishes a process for a county committee to grant or deny *EC* Section 35721 petitions, as well as the process for hearings and submitting the county committee's plans and recommendations to the SBE when the county committee grants such petitions. The SBE considers such proposals pursuant to the appropriate provisions of Article 4 (commencing with *EC* Section 35750).

EC Section 35542(b) authorizes an elementary district that has boundaries that are totally within a high school district to be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the SBE. The SBE granted such exclusions to the Briggs, Mupu, and Santa Clara ESDs in July 2010. Since December 1995, the SBE has approved the exclusion of over 58 component elementary school districts from 27 actions to unify high school districts.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its July 2010 meeting, the SBE approved (pursuant to *EC* Section 35542[b]) requests from the Briggs ESD, Mupu ESD, and Santa Clara ESD to be excluded from this proposed unification of the Santa Paula UHSD and the Santa Paula ESD.

FISCAL ANALYSIS (AS APPROPRIATE)

Based on 2010–11 data from the Ventura County Office of Education (COE), the revenue limit for the new unified school district is estimated to be $6,763 per average daily attendance (ADA). The new revenue limit is calculated by blending the base revenue limit of the affected districts (i.e., calculating a weighted average) and then adding a revenue limit adjustment to account for salary and benefit differentials. The blended, or weighted average, revenue limit per ADA is revenue neutral and does not result in an increase in state costs. An adjustment of about $1.4 million for salary and benefit differentials generates the only new revenues. This adjustment is not considered as an increased cost to the state for purposes of this analysis since this funding increase is provided for in statute and is capped. No other effects to state costs due to the reorganization are identified.

The Santa Paula ESD had been making efforts to maintain fiscal solvency, and last year filed a "qualified" certification with its 2010–11 Second Interim Report. (A "qualified" certification is assigned to a school district that, based on current projections, may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.)

FISCAL ANALYSIS (AS APPROPRIATE) (Cont.)

In August 2011, Santa Paula ESD's fiscal health showed improvement. The district's 2011–12 adopted budget met state criteria and standards, and the Ventura COE approved the budget.

This year, the Santa Paula ESD filed a "positive" certification with its 2011–12 First Interim Report. (A "positive" certification is assigned to a school district that, based on current projections, will meet its financial obligations for the current fiscal year and subsequent two fiscal years.) The Ventura COE concurred with Santa Paula ESD's positive certification of its 2011–12 First Interim Report, which indicates the district will remain fiscally solvent and continue to meet its recommended 3 percent reserve level through 2013–14.

The CDE also considered the following:

- The revenue limit of the new unified district is projected to increase $1.4 million over the blended revenue limit of the Santa Paula ESD and the Santa Paula UHSD.

- The Santa Paula ESD made significant reductions to expenditures in 2011-12 through collective bargaining agreements. Although these reductions are for only one year, the new unified district can continue the efforts of the Santa Paula ESD in hopes of maintaining the reductions or getting additional reductions that will remain in place to ensure a stable financial position.

- Although the Santa Paula UHSD has expressed concerns regarding Santa Paula ESD's fiscal stability, it has not opposed the proposed reorganization and appears to be willing to allow the matter of unification to be decided by voters in the Santa Paula area.

- The Ventura COE, which has fiscal oversight responsibility to ensure the district's sound fiscal operation, will provide assistance to ensure the district continues to maintain a balanced budget.

Given the above stated circumstances, the CDE agrees with the County Committee's determination and concludes that the fiscal condition is substantially met.

ATTACHMENT(S)

Attachment 1: Report of Required Conditions for Reorganization (22 pages)

Attachment 2: Proposed Resolution (2 pages)

Attachment 3: Santa Paula City Council Resolution 6649, February 1, 2010 (1 page)

ATTACHMENT(S) (Cont.)

Attachment 4: Kids First! Unification of Santa Paula's Elementary and High School Districts (2 pages)

Attachment 5: Findings from "A Report on the Study of Feasibility of Unification of the School Districts within the Boundaries of the Santa Paula Union High School District," June 8, 2010 (16 pages)

Attachment 6: Map of the Santa Paula Union High School District (1 page)

Attachment 7: California *Education Code* Sections Cited in Agenda Item (12 pages)

PROPOSED UNIFICATION OF THE SANTA PAULA UNION HIGH SCHOOL DISTRICT AND THE SANTA PAULA ELEMENTARY SCHOOL DISTRICT IN VENTURA COUNTY

REPORT OF REQUIRED CONDITIONS FOR REORGANIZATION

1.0 RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) hold a public hearing and adopt the proposed resolution in Attachment 2, thereby approving the proposal to unify the Santa Paula Union High School District (UHSD) and the Santa Paula Elementary School District (ESD). The proposed resolution also includes additional provisions to the plans and recommendations of the proposal that are included in Section 7.0 of this report (e.g., area of election, governing board membership, responsibility for bonded indebtedness).

2.0 BACKGROUND

On February 1, 2010, the Santa Paula City Council adopted Resolution 6649 (Attachment 3), which asks the Ventura County Committee on School District Organization (County Committee) to conduct a preliminary public hearing and study the unification of the Santa Paula UHSD and the Santa Paula ESD. The resolution also makes the following declarations:

- A volunteer committee investigated and reported benefits of unification for the students and community, and made presentations to the affected school boards and this City Council.

  (The unification benefits presented by the volunteer committee are provided as Attachment 4 [Kids First!] and summarized in Section 3.0 of this attachment.)

- The Briggs, Mupu, and Santa Clara Elementary School Districts desire to maintain their independent status as elementary school districts.

- California *Education Code* (*EC*) Section 35721 allows the City Council to request the Ventura County Committee on School District Organization to conduct a preliminary public hearing.

On March 17, 2010, the County Committee held the public hearing prescribed by *EC* Section 35721(c) and voted to grant the City Council's request. The County Committee then began the statutorily prescribed process for consideration of

such reorganization proposals by adopting the City Council's proposal as its own tentative recommendation for unification and by holding public hearings in each of the four affected elementary school districts—May 6 (two hearings), May 10, and May 12, 2010. The County Committee also commissioned a study on the feasibility of unifying the Santa Paula UHSD and Santa Paula ESD (Attachment 5).

On June 23, 2010, the County Committee held a meeting to review the "Report on the Study of Feasibility of Unification of the School Districts within the Boundaries of the Santa Paula UHSD as of June 8, 2010" (Feasibility Study). The Feasibility Study (Attachment 5) concludes the nine conditions prescribed by *EC* Section 35753(a) for school district reorganizations are substantially met.

At a meeting on August 11, 2010, the County Committee unanimously determined the proposal substantially meets all *EC* Section 35753(a) conditions and recommended approval of the proposed unification. The County Committee also recommends the entire Santa Paula UHSD as the election area if the SBE approves the proposal.

(On July 15, 2010, the SBE, by authority in *EC* Section 35542(b), approved requests from the Briggs ESD, the Mupu ESD, and the Santa Clara ESD to be excluded from the unification since they "desire to maintain their independent status as elementary school districts." The elementary school districts authorized to be excluded from the action to unify may continue to feed into the coterminous high school under the same terms that existed before any action to unify.)

3.0 REASONS FOR UNIFICATION

The Santa Paula City Council adopted Resolution 6649 (Attachment 3) to initiate reorganization proceedings after a volunteer committee (Santa Paula Chamber of Commerce Education Committee) presented its study ("Kids First! Unification of Santa Paula's Elementary and High School Districts") that concludes unification would provide the following benefits (Attachment 4):

- One seamless kindergarten through grade twelve (K–12) program in which texts and classes may be aligned; resources, staff, and facilities may be shared; and professional development, student activities, parent organizations, and the curriculum may be coordinated.

- A smoother transition to high school for middle school students.

- One calendar for all grade levels and better support for families (coordination of schedules, meetings, and announcements).

- Greater flexibility in budgeting.

- Shift of dollars to the classroom as duplicate expenses are eliminated (one district office and superintendent; fewer board members, administrators, and managers; sharing of resources; and consolidation of operations).

4.0 POSITIONS OF SCHOOL DISTRICTS

All five affected districts are neutral regarding unification.

4.1 Santa Paula UHSD

The Santa Paula UHSD is neutral on the question of unification, but had expressed concerns regarding the fiscal status of the Santa Paula ESD in 2010–11 (which improved by 2011–12 as discussed in Section 5.9).

4.2 Santa Paula ESD

The Santa Paula ESD governing board has chosen not to take an active role in the unification, deferring instead to the judgment of parents and the general community (electorate) if the SBE approves the proposal.

4.3 Briggs ESD, Mupu ESD, and Santa Clara ESD

The Briggs, Mupu, and Santa Clara ESDs are neutral regarding the reorganization since the SBE approved requests at its July 2010 meeting for these districts to be excluded from the unification.

5.0 *EC* SECTION 35753 CONDITIONS

The SBE may approve a proposal for the reorganization of districts if the SBE has determined the proposal substantially meets the conditions in *EC* Section 35753. Those conditions are further clarified by *California Code of Regulations,* Title 5 (5 *CCR*), Section 18573.

For its analysis of the current proposal, the CDE reviewed the administrative record of the County Committee's actions provided by the Ventura County Office of Education (COE), including the following:

- Resolution 6649 of the Santa Paula City Council adopted February 1, 2010.

- Resolutions of the Santa Paula, Briggs, Mupu, and Santa Clara ESDs.

- "Report on the Study of Feasibility of Unification of the School Districts within the Boundaries of the Santa Paula Union High School District as of June 8, 2010," (Feasibility Study).

- County Committee public hearing and meeting minutes.
- Miscellaneous related documents.

CDE findings and conclusions regarding the conditions in *EC* Section 35753 and 5 *CCR* Section 18573 follow.

5.1 *EC* Section 35753(a)(1): The reorganized districts will be adequate in terms of number of pupils enrolled.

Standard of Review

It is the intent of the SBE that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective or any new district becomes effective for all purposes: elementary district, 901; high school district, 301; unified district, 1,501 (5 *CCR* Section 18573[a][1][A]).

County Committee Evaluation/Vote

The June 8, 2010, Feasibility Study forecasts a 2013–14 fiscal year enrollment for the proposed Santa Paula Unified School District (USD) of approximately 5,595, without the kindergarten through eighth grade (K-8) enrollment of the three component districts that are excluded from the unification. The Feasibility Study concludes that this condition is met.

The County Committee voted 8-0 that the unification proposal substantially meets this condition.

CDE Findings/Conclusion

The combined enrollment of 5,287 (as shown in the following table) for the two unifying districts exceeds the 1,501 required for new unified districts. The table depicts the 2010–11 California Longitudinal Pupil Achievement Data System (CALPADS) enrollment for all five districts, as well as the combined enrollment for the proposed unified district.

Enrollments in Affected Districts	
District	**2010-11 CALPADS Enrollment**
Santa Paula UHSD	1,626
Santa Paula ESD	3,661
Briggs ESD	555
Mupu ESD	137
Santa Clara ESD	55
Proposed Unified School District (Santa Paula UHSD and Santa Paula ESD)	5,287

Source: CALPADS (Data as of 5/5/2011)

The 2011–12 First Interim Reports of the unifying districts project a combined enrollment in 2013–14 (earliest fiscal year unification can become effective) of 5,240 (Santa Paula UHSD, 1,593; Santa Paula ESD, 3,647).

The CDE concludes that this condition is substantially met as all enrollment projections exceed the 1,501 required for new unified school districts.

5.2 *EC* Section 35753(a)(2): The districts are each organized on the basis of a substantial community identity.

Standard of Review

The following criteria from 5 *CCR* Section 18573(a)(2) should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

County Committee Evaluation/Vote

The Feasibility Study provides a geographical description of the new district: The proposed Santa Paula USD is located along Highway 126 in the Santa Clara River Valley, which connects the city of Ventura on the coast and the Santa Clarita Valley on the east. The suburban center of the proposed Santa Paula USD and the geographical center of Ventura County is the city of Santa Paula, which has a population of about 30,000.

The Santa Paula UHSD and its four component elementary school districts appear to be a single community with social and community ties mainly in the Santa Paula area, notes the Feasibility Study. However, the outlying schools of the Briggs, Mupu, and Santa Clara ESDs are also

social centers in their respective communities, providing the only public buildings for voting, community meetings, holiday events, and other activities, according to the Feasibility Study. The Feasibility Study concludes that this condition is substantially met, indicating that nothing changes whether the districts are unified or not.

The County Committee concurs with its Feasibility Study conclusion (voting 8-0) that the proposal substantially meets Condition 2.

CDE Findings/Conclusion

The CDE concurs with the County Committee determination. The boundaries of the proposed district and the existing high school district are the same, and the communities served by the educational agencies would not change.

Since the reorganized school district would continue to serve the same communities and students would not transfer to different schools because of the reorganization, the CDE concludes that this condition is substantially met. In addition, the community identity of the Briggs, Mupu, and Santa Clara ESDs (component districts excluded from the unification) would not change.

5.3 *EC* Section 35753(a)(3): The proposal will result in an equitable division of property and facilities of the original district or districts.

Standard of Review

To determine whether an equitable division of property and facilities will occur, the CDE reviews proposals for compliance with the provisions of *EC* sections 35560 and 35564 and determines which of the criteria authorized in *EC* Section 35736 shall be applied. The CDE also ascertains that the affected districts and county office of education are prepared to appoint the committee described in *EC* Section 35565 to settle disputes arising from such division of property (5 *CCR* Section 18573[a][3]).

County Committee Evaluation/Vote

The Feasibility Study concludes this condition is substantially met, stating that no facilities, personal property, or liabilities will be subject to division. All assets, liabilities, and fund balances of the Santa Paula UHSD and the Santa Paula ESD will be assumed by the newly unified district, including general obligation bond debt and other liabilities based on assessed valuation (AV).

The County Committee concurs (8-0 vote) with its Feasibility Study conclusion that the proposal substantially meets this condition.

CDE Findings/Conclusion

The CDE agrees that no division of personal property, facilities, or liabilities will occur because no affected district will be divided.

For bonded indebtedness, the newly unified district will be responsible for Santa Paula ESD's bonded indebtedness and Santa Paula ESD's proportionate share of Santa Paula UHSD's bonded indebtedness as provided in *EC* 35573. The Briggs, Mupu, and Santa Clara ESDs, which are excluded from the unification pursuant to *EC* Section 35542(b), will continue to be responsible for the bonded indebtedness of their respective districts and will have no responsibility for the outstanding bonded indebtedness of the Santa Paula ESD. However, since the residents of the excluded districts will continue to send their secondary students to the Santa Paula UHSD "under the same terms that existed before any action to unify" (*EC* Section 35542[b]), the Briggs, Mupu, and Santa Clara ESDs will retain their existing proportionate share of the outstanding bonded indebtedness of the Santa Paula UHSD.

The CDE concludes that this condition is substantially met.

5.4 *EC* Section 35753(a)(4): The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

Standard of Review

In 5 *CCR* Section 18573(a)(4), the SBE specifies five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

(a) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

(b) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.

(c) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or to alleviate racial or ethnic discrimination or segregation.

(d) The effect of factors such as distance between schools and attendance centers, terrain, and geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

(e) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

County Committee Evaluation/Vote

The following table summary is based on California Basic Education Data System (CBEDS) enrollments provided in the Feasibility Study.

Percent Minority Students in Affected Districts			
Year	**Santa Paula ESD**	**Santa Paula UHSD**	**Santa Paula Unified**
2004–05	90.2%	84.6%	88.5%
2005–06	91.3%	84.7%	89.2%
2006–07	92.3%	83.3%	89.4%
2007–08	93.1%	83.2%	89.9%
2008–09	93.2%	87.5%	91.4%

The Feasibility Study concludes that the proposed reorganization would have no impact on the racial and ethnic composition of the students in the existing Santa Paula UHSD or any component elementary school district.

The County Committee determined (8-0 vote) that this condition is substantially met.

CDE Findings/Conclusion

The 2010–11 CALPADS percentages of minority and white students in the proposed unified school district and the excluded component districts are depicted in the following table.

2010–11 Student Ethnicity in Unifying and Excluded Districts*			
District	**2010–11 Enrollment**	**Percent Minority**	**Percent White**
Santa Paula UHSD	1,618	94.9%	5.1%
Santa Paula ESD	3,658	94.8%	5.2%
Proposed unified district	**5,276**	**94.9%**	**5.1%**
Briggs ESD	554	85.2%	14.8%
Mupu ESD	132	85.6%	14.4%
Santa Clara ESD	55	32.7%	67.3%
Total high school area	6,017	93.2%	6.8%

** Does not include "Two or More Races, Not Hispanic" category.*
Source: CALPADS (Data as of 5/5/2011)

The unification proposes a consolidation of the Santa Paula UHSD and the Santa Paula ESD. The excluded Briggs, Mupu, and Santa Clara ESDs will continue to operate their own kindergarten through eighth-grade programs, and they will send their ninth through twelfth-grade students to the same high schools under the same terms and conditions that existed previously. Thus, the proposed unification will not cause any student to move from one school to another.

The CDE concludes that the proposed unification will have no negative effects on: (1) the districts' duty to take steps to alleviate any segregation of minority pupils in schools; and (2) any factor that may affect the feasibility of integration of the schools. Given the statistically insignificant change in conditions and the fact that no students will be displaced or transferred to different schools as a result of the proposal, the CDE concludes that this condition is substantially met.

5.5 *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.

Standard of Review

EC sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this criterion. Although the estimated revenue limit is considered in this section, only potential costs to the state

other than those mandated by *EC* sections 35735 through 35735.2 are used to analyze the proposal for compliance with this criterion.

County Committee Evaluation/Vote

The Feasibility Study concludes this condition is met because the only increase the Feasibility Study projects (using 2008–09 data) is a 5.74 percent revenue limit increase for differentials in salary and benefits, which is authorized in statute and capped at 10 percent.

The County Committee determined (8-0 vote) the proposal substantially complies with this condition.

CDE Findings/Conclusion

Based on 2010–11 data from the Ventura COE, the revenue limit for the new unified school district is estimated to be $6,763 per average daily attendance (ADA). The new revenue limit is calculated by blending the base revenue limit of the affected districts (i.e., calculating a weighted average) and then adding a revenue limit adjustment to account for salary and benefit differentials as shown in the following table.

Estimated Revenue Limit for Santa Paula USD			
	2010–11 Base Revenue Limit per ADA	2010–11 Revenue Limit ADA	Computed Total Base Revenue Limit
Santa Paula UHSD	$7,403.53	1,507.94	$11,164,079.03
Santa Paula ESD	6,084.66	3,531.76	21.489,558.80
Totals		**5,039.70**	**$32,653,637.83**
Blended revenue limit per ADA (computed total base revenue limit/total revenue limit ADA)			$6,479.28
Salary-benefit differential add-on per ADA ($1,427,940/5,039.70)			283.34
Weighted average revenue limit per ADA for Santa Paula USD			**$6,762.62**

Source: Ventura COE

The blended, or weighted average, revenue limit per ADA is revenue neutral and does not result in an increase in state costs. The add-on of about $1.4 million for salary and benefit differentials generates the only new revenues. This add-on is not considered as an increased cost to the state for purposes of this analysis since this funding increase is provided for in statute and is capped. No other effects to state costs due to the reorganization are identified.

The CDE concurs with the County Committee that the unification proposal substantially meets this condition.

5.6 *EC* Section 35753(a)(6): The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

Standard of Review

The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the district-wide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition (5 *CCR* Section 18573[a][5]).

County Committee Evaluation/Vote

The Feasibility Study concludes this condition is substantially met, stating that "the quality and quantity of educational programs would not be negatively impacted by a change in available funding to the proposed new district as a result of reorganization."

The County Committee determined (8-0 vote) the unification proposal substantially meets the condition on educational programs.

CDE Findings/Conclusion

The CDE agrees with the County Committee that this condition is substantially met. No new students will be enrolled and no students will be displaced or transferred to different schools as a result of the proposed reorganization. Therefore, the unification should not significantly adversely affect the educational programs of the districts or schools.

The Feasibility Study concludes this condition is met based on the assumption that unification will not affect the current level of funding available for educational programs. The CDE is aware that conditions other than unification (such as Santa Paula ESD's fiscal stability, Santa Paula UHSD's declining enrollment, or state revenue shortfalls that could trigger reductions in school apportionments) may affect the level of funding available to continue some programs. However, school districts will respond to fiscal challenges in various ways depending on the options available to them. Nonetheless, extraneous conditions that may or may not affect the level of funding available for educational programs are not effects of the proposed unification.

5.7 *EC* Section 35753(a)(7): Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

County Committee Evaluation/Vote

The Feasibility Study states that although Santa Paula UHSD's enrollment is declining some residential development is expected to occur in the area over the next 20 years. In the opinion of the Feasibility Study, any such residential growth could be managed cooperatively among the affected districts through interdistrict permits (among all the districts within the boundaries of the high school district) and school attendance boundary changes. Such cooperation among district management teams would result in efficient use of facilities, according to the Feasibility Study.

In addition, the Feasibility Study notes that reorganization will not affect the bonding capacity of the districts excluded from the unification, while it will provide the proposed Santa Paula USD with additional flexibility in structuring bonds for future facilities needs.

The Feasibility Study concludes that there will be no increase in school facilities costs as a result of he proposed reorganization.

The County Committee concurs with its Feasibility Study conclusion, voting 8-0 that this condition is substantially met.

CDE Findings/Conclusion

Since no new students will be enrolled, no students will be displaced or transferred to different schools, and no additional facilities will be required as a result of the proposed unification, the CDE concurs with the County Committee vote that this condition is substantially met.

5.8 *EC* Section 35753(a)(8): The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

County Committee Evaluation/Vote

The Feasibility Study "recommends that the County Committee deem this condition substantially met" since the reorganization would not significantly affect property values in any portion of the Santa Paula UHSD or the proposed Santa Paula USD.

The County Committee voted 8-0 that this condition is substantially met.

CDE Findings/Conclusion

No evidence was presented that indicates the proposed formation of the Santa Paula USD would increase property values. Nor is there any evidence from which it can be discerned that an increase in property values could be the primary motivation for the proposed reorganization. The CDE concludes this condition is substantially met.

5.9 *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 Committee Evaluation/Vote

The 2010 Feasibility Study indicated that the Santa Paula ESD and the Santa Paula UHSD were affected by the state's fiscal crisis that had resulted in reduced state funding and delayed apportionments. Both districts had projected declining General Fund balances in their multi-year projections. However, the Feasibility Study indicated that Santa Paula ESD's board of trustees appeared to be addressing the negative financial issues and that the district anticipated improvement in its fiscal condition with an increase in its General Fund balance in 2010-11. The Feasibility Study further indicates that the Santa Paula UHSD met the minimum recommended reserve levels and projected fiscal solvency through 2011-12. The Feasibility Study concludes that the proposed reorganization would likely not have a substantial negative impact on the affected districts.

The Santa Paula UHSD took a neutral position on the question of unification, but also expressed concerns regarding the lack of an analysis in the Feasibility Study on how the unification would promote financial stability and prudent fiscal practices. The district questioned whether or not the resulting unified district would immediately be forced to voluntarily file a qualified or negative budget certification, or be compelled to seek a state loan in order to conduct business.

In response to Santa Paula UHSD's concerns, the Ventura COE indicated that it could not quantify whether or not the proposed district would be required to submit a qualified or negative interim report because that determination depends on many future factors. However, the county office indicated that the latest budget information showed all districts involved are fiscally solvent in the current and future year. The Ventura COE believes the boards of trustees of all the districts involved will continue to do their fiduciary duty and make the necessary decisions to maintain fiscal solvency.

The County Committee unanimously (8-0 vote) determined the proposal substantially meets this condition.

CDE Findings/Conclusion

The Santa Paula ESD had been making efforts to maintain fiscal solvency. Last year the district filed a “qualified” certification with its 2010–11 Second Interim Report. (A “qualified” certification is assigned to a school district that, based on current projections, may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.)

In August 2011, Santa Paula ESD’s fiscal health showed improvement, and the Ventura COE approved the district’s 2011–12 budget. (Under Assembly Bill [AB] 1200 [Chapter 1213/Statutes 1991], the county office of education shall maintain responsibility for fiscal oversight of each district in its county. AB 1200 requires that the county office monitor the fiscal condition and viability of school districts. The adopted budget of a district is approved by the county office if it meets certain criteria and standards set by the state.)

More recently, the Ventura COE concurred with Santa Paula ESD’s positive certification of its 2011–12 First Interim Report. (A “positive” certification is assigned to a school district that, based on current projections, will meet its financial obligations for the current fiscal year and subsequent two fiscal years.)

As shown in the following table, projections in Santa Paula ESD’s 2011-12 First Interim Report indicate the district will remain fiscally solvent and continue to meet its recommended 3 percent reserve level through 2013-14.

Santa Paula ESD General Fund	**2011–12**	**2012–13**	**2013–14**
Revenues	$30,110,988	$30,189,293	$30,591,181
Expenditures	$32,133,299	$30,672,000	$30,958,845
Net Increase (Decrease) in Fund Balance	($2,022,311)	($482,707)	($367,664)
Beginning Fund Balance	$5,084,811	$3,062,500	$2,579,793
Ending Fund Balance	$3,062,500	$2,579,793	$2,212,129
Available Reserves/ % of Expenditures (rounded)	$964,000 (3%)	$920,160 (3%)	$928,766 (3%)
Enrollment	3,693	3,659	3,647

Source: Santa Paula ESD’s 2011–12 First Interim Report

The Ventura COE also concurred with Santa Paula UHSD's positive certification of its 2011–12 First Interim Report. Multi-year projections in the following table indicate that Santa Paula UHSD will maintain healthy reserves that are significantly above the recommended 3 percent level.

Santa Paula UHSD General Fund	**2011–12**	**2012–13**	**2013–14**
Revenues	$13,079,415	$12,609,661	$12,490,446
Expenditures	$13,841,988	$13,051,951	$13,079,592
Net Increase (Decrease) in Fund Balance	($762,573)	($442,290)	($589,146)
Beginning Fund Balance	$4,584,238	3,821,665	3,379,375
Ending Fund Balance	$3,821,665	$3,379,375	$2,790,229
Available Reserves/ % of Expenditures (rounded)	$2,745,299 (20%)	$2,531,425 (19%)	$1,993,902 (15%)
Enrollment	1,593	1,603	1,593

Source: Santa Paula UHSD's 2011–12 First Interim Report

The CDE also considered the following:

- The revenue limit of the new unified district will increase $1.4 million over the blended revenue limit of the Santa Paula ESD and the Santa Paula UHSD.

- The Santa Paula ESD made significant reductions to expenditures in 2011-12 through collective bargaining agreements. Although these reductions are for one year only, the new unified district can continue the efforts of the Santa Paula ESD in hopes of maintaining the reductions or getting additional reductions that will remain in place to ensure a stable financial position.

- Although the Santa Paula UHSD has expressed concerns regarding Santa Paula ESD's fiscal stability, it has not opposed the proposed reorganization and appears to be willing to allow the matter of unification to be decided by voters in the Santa Paula area.

- The Ventura COE, which has fiscal oversight responsibility to ensure the district's sound fiscal operation, will provide assistance to ensure the district continues to maintain a balanced budget.

The CDE agrees with the County Committee's determination and concludes that this condition is substantially met.

6.0 COUNTY COMMITTEE *EC* SECTIONS 35706 AND 35707 REQUIREMENTS

The *EC* requires county committees to make certain recommendations and determinations and to expeditiously transmit them along with the reorganization petition to the SBE. These required recommendations and determinations are:

6.1 County Committee Recommendation on the Petition

EC Section 35706 requires county committees to recommend to the SBE approval or disapproval of a petition for unification. The County Committee voted 8-0 to recommend approval of the proposal to unify the Santa Paula UHSD and the Santa Paula ESD.

6.2 Effect on School District Organization of the County

EC Section 35707 requires county committees to report to the SBE whether a proposal would adversely affect countywide school district organization. The County Committee voted 8-0 that the proposal would not adversely affect countywide school district organization.

6.3 County Committee Opinion Regarding *EC* Section 35753 Conditions

EC Section 35707 requires county committees to report to the SBE whether, in their opinion, the proposed reorganization would comply with the provisions of *EC* Section 35753. The County Committee determined (voting 8-0) that the proposed unification complies with the provisions of *EC* Section 35753.

7.0 RECOMMENDED AMENDMENTS TO THE PROPOSAL

The SBE has authority under *EC* Section 35754 to amend or include certain provisions in proposals for reorganization of school districts. If the SBE approves the unification, the CDE recommends that the plans and recommendations for the Santa Paula unification include the following:

7.1 Article 3 Provisions

Petitioners may include, and county committees or the SBE may add or amend, any of the appropriate provisions specified in Article 3 of the *EC* (commencing with Section 35730). These provisions include:

- **Membership of Governing Board/Trustee Areas**

  The governing board of the new district would have five members elected by the registered voters of the entire district as recommended by the County Committee (*EC* sections 35731 and 35734).

- **Election of Governing Board**

  A proposal for unification may include a provision specifying that the election for the first governing board will be held at the same time as the election on unification of the school districts. The *EC* also requires that, if this provision is included, the proposal specify the method whereby the length of the initial terms may be determined so that the governing board will ultimately have staggered terms that expire in years with regular election dates (*EC* Section 35737).

  As recommended by the County Committee—and requested by the Ventura COE to avoid the expenses of two separate elections—the election of the first governing would be held concurrently with the election on unification. Also, the earlier election of governing board members gives the new board at least an additional four months to prepare for the formation of the new district.

  In order to establish the alternating election cycles recommended by the County Committee, the initial terms of governing board members will be as follows:

  > The three governing board candidates receiving the highest number of votes will be elected to serve four-year terms, and the two candidates receiving the next highest number of votes will be elected to serve two-year terms.

- **Computation of Base Revenue Limit**

  A proposal for reorganization of school districts must include a computation of the base revenue limit per ADA for each reorganized district. The Ventura COE estimates a base revenue limit of $6,763 per ADA based on 2010–11 data. Should the proposed district become effective for all purposes, the revenue limit will be adjusted based on information for each affected district for the second principal apportionment period (P-2) for the fiscal year two years prior to the fiscal year in which the reorganization becomes effective (e.g., 2011–12 P-2 data for a July 1, 2013,

effective date), including any adjustments for which the proposed district may be eligible (*EC* Section 35735).

- **Division of Property and Obligations**

  A proposal may include provisions for the division of property (other than real property) and obligations of any district whose territory is being divided among other districts. Since no district will be divided as a result of the current unification proposal, there will be no division of property and obligations.

- **Method of Dividing Outstanding Bonded Indebtedness**

  The newly unified district will be responsible for Santa Paula ESD's bonded indebtedness and Santa Paula ESD's proportionate share of Santa Paula UHSD's bonded indebtedness as provided in *EC* 35573. The Briggs, Mupu, and Santa Clara ESDs, which are excluded from the unification pursuant to *EC* Section 35542(b), will continue to be responsible for the bonded indebtedness of their respective districts and will have no responsibility for the outstanding bonded indebtedness of the Santa Paula ESD. However, since the residents of the excluded districts will continue to send their secondary students to the Santa Paula UHSD "under the same terms that existed before any action to unify" (*EC* Section 35542[b]), the Briggs, Mupu, and Santa Clara ESDs will retain their existing proportionate share of the outstanding bonded indebtedness of the Santa Paula UHSD.

7.2 Area of Election

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 *EC* Section 35730) that the SBE may add or amend. Also, *EC* Section 35756 indicates that, if the proposal 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. If a plan does not specify an election area, the statute specifies that "the election shall be held only in the territory proposed for reorganization" (*EC* Section 35732). By default, the Santa Paula UHSD is the election area since the area proposed for reorganization encompasses the total high school district. The SBE may alter this "default" election area, but the alterations must comply with the "Area of Election Legal Principles" below.

Area of Election Legal Principles

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 this situation, the analysis examines the interests of all voters in the territory of the Santa Paula UHSD, including voters in the component elementary school districts—Briggs, Mupu, and Santa Clara—that are excluded from this unification pursuant to *EC* Section 35542(b), which provides that:

> [A]n elementary school district that has boundaries that are totally within a high school district may be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the … state board …. Any elementary school district so authorized to be excluded from an action to unify may continue to feed into the coterminous high school under the same terms that existed before any action to unify ....

Residents of the excluded component elementary districts may continue to enroll their children in the new unified school district under the same terms and conditions that existed previously in the high school district. This form of unification allows continued self-determination by the voters of the excluded component elementary districts while assuring that:

(a) Voters in the excluded component elementary districts will participate in the election of governing board members for the unified district.

(b) Voters in the excluded component elementary districts will participate with the rest of the voters in the unified district in voting in any future bond elections affecting high school facilities just as they did in the previous high school district, and will pay their prorated shares for any such bond issues passed just as they did in the previous high school district.

A 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.

In this case, the SBE has excluded the Briggs, Mupu, and Santa Clara ESDs from the action to unify. The new unified district will offer ninth through twelfth-grade education programs for the students residing in these three excluded elementary districts. In addition, voters in these excluded districts will vote for governing board members of the unified district and general obligation bond measures—paying their prorated share for bond issues passed—to fund ninth through twelfth-grade facilities. In CDE's opinion, there is no genuine difference in the relevant interests of the affected groups that the election plan creates. Therefore, the proposed reorganization, in the opinion of the CDE, meets the *LAFCO* rational basis test for confining the election to within the boundaries of the territory proposed for reorganization, which is the Santa Paula UHSD in this case.

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*). 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 apply.

CDE Recommendation for Area of Election

The CDE concludes a rational basis exists for holding the election in the entire area proposed for reorganization. Therefore, if the SBE approves the unification proposal, the CDE recommends the SBE establish the Santa Paula UHSD as the area of election.

8.0 STATE BOARD OF EDUCATION OPTIONS

The SBE has two general options to disapprove the unification and two options to approve the unification.

The SBE may deny the unification if:

- It determines that the proposed unification fails to substantially meet all nine conditions of *EC* Section 35753(a); or

- It determines that the proposed unification substantially meets all nine conditions of *EC* Section 35753(a) and decides to deny the unification on other grounds (e.g., no compelling reason exists for reorganizing the districts).

The SBE may approve the unification (and, if it does, must determine the area of election) if:

- It determines the proposed unification substantially meets all nine conditions of *EC* Section 35753(a); or

- It determines that the proposed unification fails to substantially meet all nine conditions of *EC* Section 35753(a) and determines that it is not practical or possible to apply these conditions literally and that the circumstances with respect to the proposal provide an exceptional situation sufficient to justify approval of the proposal pursuant to *EC* Section 35753(b).

Approval by the SBE is discretionary and the SBE, if it approves the unification proposal, should base such approval on local educational needs or concerns pursuant to *EC* Section 35500. If the SBE approves the formation of the proposed district, it may amend or include in the proposal any of the appropriate provisions of *EC* Article 3, commencing with Section 35730. In this case, the CDE recommends that the SBE include the following items in the proposal:

- The governing board will have five members elected by the registered voters of the entire Santa Paula UHSD with the first governing board election held at the same time as the election on unification. To ensure staggered terms of office, the three governing board candidates receiving the highest number of votes will be elected to serve four-year terms and the two candidates receiving the next highest number of votes will be elected to serve two-year terms.

- The estimated base revenue limit based on 2010–11 data would be $6,763 per ADA pursuant to *EC* Section 35735.

- The newly unified district will be responsible for Santa Paula ESD's bonded indebtedness and Santa Paula ESD's proportionate share of Santa Paula UHSD's bonded indebtedness as provided in *EC* Section 35573. The excluded Briggs, Mupu, and Santa Clara ESDs will continue to be responsible for the bonded indebtedness of their

respective districts and their proportionate share of the existing bonded indebtedness of the Santa Paula UHSD pursuant to *EC* Section 35738.

- The SBE must determine the area of election if it approves the proposal (*EC* Section 35756). As previously discussed, the CDE recommends the territory of the entire Santa Paula UHSD as the area of election.

9.0 RECOMMENDED ACTION

The CDE recommends that the SBE hold a public hearing and adopt the proposed resolution in Attachment 2, thereby approving the proposal to unify the Santa Paula UHSD and the Santa Paula ESD. The proposed resolution also includes the additional provisions to the plans and recommendations of the proposal that are included in Section 7.0 of this report (e.g., area of election, governing board membership, responsibility for bonded indebtedness).

(The SBE has already excluded Santa Paula UHSD's three remaining component elementary districts [Briggs, Mupu, and Santa Clara] from the unification as authorized by *EC* Section 35542[b].)

CALIFORNIA STATE BOARD OF EDUCATION
May 2012

PROPOSED RESOLUTION

Proposal to Unify
the Santa Paula Union High School District and
the Santa Paula Elementary School District
in Ventura County

WHEREAS, the Ventura County Committee on School District Organization received Resolution 6649, adopted February 1, 2010, by the Santa Paula City Council, which initiated a proposal to unify the Santa Paula Union High School District and the Santa Paula Elementary School District pursuant to California *Education Code* Section 35721(c); and

WHEREAS, the Ventura County Committee on School District Organization on or about August 11, 2010, unanimously recommended approval of the proposal for the unification of the Santa Paula Union High School District and the Santa Paula Elementary School District and transmitted said recommendation to the California State Board of Education pursuant to California *Education Code* Section 35722; and

WHEREAS, California *Education Code* Section 35754 gives the California State Board of Education authority to approve or disapprove a proposal to form a unified school district; therefore be it

RESOLVED, that the recommendation of the Ventura County Committee on School District Organization to form a new unified school district from the Santa Paula Union High School District and the Santa Paula Elementary School District is hereby approved; and be it

RESOLVED further, that the 2013–14 base revenue limit per unit of average daily attendance for the new unified district is estimated to be $6,763 and shall be recalculated using second prior fiscal year data from the time the unification becomes effective for all purposes; and be it

RESOLVED further, that the residents of the Briggs Elementary School District, the Mupu Elementary School District, and the Santa Clara Elementary School District (excluded from the unification of the Santa Paula Union High School District and the Santa Paula Elementary School District by the California State Board of Education on July 15, 2010) may continue to enroll their children in the new unified school district under the same terms and conditions that existed previously in the Santa Paula Union High School District; and be it

RESOLVED further, that pursuant to California *Education Code* Section 35573 the newly unified school district shall be responsible for the existing bonded indebtedness of the Santa Paula Elementary School District and its proportionate share of the existing bonded indebtedness of the Santa Paula Union High School District; and be it

RESOLVED further, that pursuant to California *Education Code* Section 35738, the Briggs Elementary School District, the Mupu Elementary School District, and the Santa Clara Elementary School District shall be responsible for the bonded indebtedness of their respective districts and their proportionate share of Santa Paula Union High School District's outstanding bonded indebtedness at the time the unification is effective for all purposes, and be it

RESOLVED further, that the governing board of the new unified district shall consist of five trustees elected by the voters of the entire unified school district; and be it

RESOLVED further, that the territory in which the election regarding the proposed unification is to be held shall be the entire Santa Paula Union High School District; and be it

RESOLVED further, that the election of the first governing board of the new district shall be held at the same election as the election on the proposed unification; and be it

RESOLVED further, that the Secretary of the California State Board of Education shall notify, on behalf of said Board, the Ventura County Superintendent of Schools, the Ventura County Committee on School District Organization, and the affected school districts of the action taken by the California State Board of Education.

RESOLUTION NO. 6649

A RESOLUTION REQUESTING THE VENTURA COUNTY COMMITTEE FOR SCHOOL DISTRICT ORGANIZATION TO CONDUCT A PRELIMINARY PUBLIC HEARING ON UNIFICATION OF THE SANTA PAULA ELEMENTARY SCHOOL DISTRICT AND THE SANTA PAULA UNION HIGH SCHOOL DISTRICT, WHICH ACTION DOES NOT INCLUDE UNIFICATION OF THE BRIGGS, MUPU, AND SANTA CLARA ELEMENTARY SCHOOL DISTRICTS THAT DESIRE TO REMAIN INDEPENDENT ELEMENTARY SCHOOL DISTRICTS PURSUANT TO EDUCATION CODE SECTION 35542(B).

The City Council of the City of Santa Paula resolves as follows:

SECTION 1: The City Council finds and declares as follows:

A. A volunteer citizen committee investigated and reported benefits from unification for the students and community, and made presentations to the affected school boards and this City Council;

B. The Briggs, Mupu, and Santa Clara Elementary School Districts desire to maintain their independent status as elementary school districts.

C. Education Code § 35721 allows the City Council to request the Ventura County Committee on School District Organization to conduct a preliminary public hearing.

SECTION 2: Pursuant to Education Code § 35721 the City Council asks the Ventura County Committee on School District Organization to conduct a preliminary public hearing and study the unification of the Santa Paula Elementary School District and the Santa Paula Union High School District.

SECTION 3: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 1st day of February 2010.

_____
James A. Fovias, Mayor

ATTEST:

_____
Judy Rice, City Clerk

APPROVED AS TO FORM:

_____
Karl H. Berger, City Attorney

APPROVED AS TO CONTENT:

_____
Clifford G. Finley, Interim City Manager

Kids First!

Unification of Santa Paula's Elementary and
High School Districts

Why unify SPESD and SPUHSD?

Santa Paula does not need two separate school districts with two District Offices a few blocks apart, two separate administrations and two Boards. This structure is costly, inefficient and ineffective. Santa Paula Elementary School District (SPES D) and Santa Paula Union High School District (SPUHSD) educate the same students and are relatively small districts in a small and well-defined urban community separated from other urban centers by farmland. Unification will help put the welfare of our **Kids First** and bring the educational community together to work for common goals for our kids. The City of Santa Paula's 1998 Master Plan long ago recommended the establishment of a Unified School District to provide for working relationships between individual districts."

More can be done for our Kids if our schools work together. Schools can be improved in ways not possible in two separate, independent districts. With one vision, one Superintendent and one set of goals. The elementary and high schools can work together to achieve common educational goals. Administrators can plan more effectively to develop a **more cost-effective, efficient, effective and supportive educational system** than is possible in two disconnected school districts.

Why not include Mupu, Briggs, and Santa Clara Elementary School Districts?

Different identities. Although the three smaller elementary districts. Briggs, Mupu and Santa Clara also send students to SPUHSD, they are distinctly different districts, rural in nature and have a long history of independence. The Santa Clara District, formed in 1879, has been in continuous operation at the present site, the Little Red Schoolhouse, since 1896.) Briggs and Santa Clara are separated from the city by farmland. These three districts are relatively small, and would gain little financially from unification, and would offer little financial advantage to a new unified district because they are small. We feel that retaining the small districts supports schools that function well and offers choice to Santa Paula residents through inter-district agreements. In a way, they function as Charter schools. The rural schools may elect unification, but unification with SPESD and SPUHSD is not part of this recommendation, nor is it required bylaw.

Why do our schools need to improve?

Our 8th graders need to be prepared for high school and our high school graduates need to be better prepared when they graduate to compete successfully for admission to college or vocational schools, and/or to compete for jobs. Though all of our schools, elementary, middle and high, have improved their API scores, more can be done to increase student achievement and proficiency.

Our schools need to be upgraded to enhance classrooms and school environments for our kids and to attract new students, residents and new businesses to Santa Paula. Good schools are important to the economic health of the Community.

Why will unification improve our schools?

One Santa Paula educational community. There can be one seamless K-12 program in which texts and classes may be aligned, resources, staff and facilities may be shared, and professional development, student activities and the curriculum may be coordinated. There will be one set of goals focused on high achievement, high school graduation and preparing students to continue their education and/or to enter the working world.

One calendar and better support for our families. There will be one small town school community, one school system and one school calendar for all grade levels.

Greater budget flexibility. Administrators can have a comprehensive view of the K-12 educational program, facilities and resources can develop a more efficient and effective system of education and plan more effectively for school use, maintenance and development of new schools.

Better use of our education dollars Shift dollars to the classroom. A unified system requires fewer board members, administrators and managerial staff, but needs the same number of teachers and principals. Costs can be reduced, but not by cutting teachers or principals. Duplicate expenses can be eliminated, resources can be shared and operations can be consolidated for additional savings. "Savings" may be used to enhance the educational program and provide resources for our classrooms.

Why should the Community care about unification?

Santa Paula needs well-educated citizens. Unification provides the best opportunity to improve the quality and effectiveness of Santa Paula's educational system and to enhance the improvements our schools are making. Every Santa Paula High School graduate needs the best education we can provide to become good citizens who are well-prepared for on-going education and work. *Santa Paula needs to put our Kids First.*

Good schools attract students and families and are essential for attracting new business. School Improvement is needed in Santa Paula for the well-being of our kids and for the future of our community. Unification offers the opportunity to energize our schools.

Why is a "friendly" unification process preferable to the "traditional" process?

Keep local control. A "friendly" process keeps the entire unification process within the County and under County control. If SPESD and SPUHSD join Briggs, Santa Clara and Mupu Districts in a "friendly" petition to the County to proceed with the Unification process, the process can go forward under AB174 rules, which empower the County to make a final decision instead of following the "traditional" process that requires a second review by the State,

Protect the small districts. The State has the authority to require that the small districts join the unification even if they were excluded in the petition approved and forwarded by the County Committee in a traditional unification process. In a "friendly" unification, the County Committee can only recommend a vote on the City's resolution that excludes the small districts; they cannot change the resolution.

Save time and expense. A second review by the State could take another year or more before the issue would come to the voters, and would add cost for the State, the County and the local school districts ... a waste of limited tax dollars

A Report on the Study of Feasibility of Unification of the School Districts within the Boundaries of the Santa Paula Union High School District

as of

June 8, 2010

for the

Ventura County Committee on School District Organization

Prepared by:

Caldwell Flores Winters, Inc.
Cardiff, California

EXECUTIVE SUMMARY

This study examines two scenarios for unification of the Santa Paula Union High School District (UHSO) and its feeder elementary school districts. The first scenario follows the subject petition filed by the City of Santa Paula pursuant to EC §35721 and accepted by the County Committee, which, at the City of Santa Paula City Council's request, leaves the Briggs School District (SO), Mupu SO, and the Santa Clara SD as independent school districts after reorganization as per EC §35542(b). The County Committee recognized that the City of Santa Paula City Council did not have the authority to exempt school districts from unification pursuant to EC §35542(b), but it accepted the petition in the spirit that it was written with the understanding that any district could request to be excluded from the unification under EC §35542. The second scenario examines unification of all five districts into a single unified school district.

The advantage to leaving the Briggs SD, Mupu SD" and Santa Clara SD as independent districts is that they will each retain local control over their territories. However, by retaining independence, the Briggs SD and the Mupu SD may forego a possible increase in per-pupil revenue limit provided by the salary and benefit adjustment permitted by EC §35735.1. The Briggs, Mupu, and Santa Clara Elementary School districts have filed the necessary paperwork to be excluded from this unification proposal and are awaiting action by the state.

This study examined the facts relating to the nine conditions for school district organization as listed in Education Code Section (EC§) 35753, and the California Code of Regulations, 5CCR§ 18573. This summary of the findings and recommendations with respect to these conditions are as follows:

CONDITION	SUBSTANTIALLY MET
1. The new district will be adequate in terms of number of pupils enrolled.	Yes
2. The districts are each organized on the basis of a substantial community identity.	Yes
3. The proposal will result in an equitable division of property and facilities of the original district or districts.	Yes
4. The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.	Yes
5. Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.	Yes
6. The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed organization.	Yes
7. Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.	Yes
8. The proposed reorganization is primarily designed for purposes other than to significantly increase property values.	Yes
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.	Yes

EC §35753(a)(1): The new districts will be adequate in terms of number of pupils enrolled.

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Standard of Review

Each district affected must be adequate in terms of numbers of pupils, in that each such district should have the following projected enrollment on the date the proposal becomes effective or . any new district becomes effective for all purposes: elementary district, 901; high school district, 301; unified district, 1,501. Section 18573[a][1], Title 5, California Code of Regulations (Title 5) states:

(1) It is the intent of the State Board that direct service districts not be created which will become more dependent upon county offices of education and state support unless unusual circumstances exist. Therefore, each district affected must be adequate in terms of numbers of pupils, in that:

(A) Each such district should have the following projected enrollment on the date that the proposal becomes effective or any new district becomes effective for all purposes:
Elementary District 901 High School
District 301 Unified District 1,501

(B) The analysis shall state whether the projected enrollment of each affected district will increase or decline and the extent thereof.

Analysis of Data

Table 1 - 1 shows the enrollment profile for the Briggs SD, Mupu SD , Santa Clara SD, Santa Paula SD, and the Santa Paula UHSD for the years 1981 through 2008. Table 1-2 shows the combined K-12 enrollment of all five districts for the same period. The Santa Paula UHSD and its feeder school districts have experienced both growth and decline from 1981 through 2008.

Whether the proposed Santa Paula USD is formed by retaining the independence of the Briggs SD, Mupu SD, and Santa Clara SDs pursuant to EC §35542(b) or it is formed from the consolidation of all of the feeder elementary school district, the enrollment of the entire Santa Paula USD would be similar. Excluding the Briggs SD, Mupu SD, and Santa Clara SD pursuant to EC §35542 simply retains the governance of these three school district as it exists before reorganization, while incorporating them into the proposed Santa Paula USD's 9-12 governance structure.

Estimated Enrollment of the Proposed Santa Paula Unified SO

Table 1 - 3 shows the estimated enrollment profile for the proposed Santa Paula USD, which is similar to the enrollment of the Santa Paula UHSD and its four feeder elementary school districts. These estimates indicate that, had the proposed Santa Paula Unified SD been formed, its enrollment would have increased over the past four-year period. The enrollment of the proposed Santa Paula Unified SD would have been greater than 1,501 students over the past four years. Table I - 4 shows the enrollment forecast for the proposed unified school district, which is similar to the forecast of the Santa Paula UHSD for unification pursuant to EC §35542 and the traditional method. The enrollment forecasting method used is consistent with 2CCR §1859.40'et Seq.

Findings

Technically, under EC §35542 the Briggs SD, Mupu SD and the Santa Clara SD are part of the proposed Santa

Paula USD, regardless of whether the reorganization occurs pursuant to EC §35542 or the traditional unification method. Because of this fact, the projected enrollment would be same for each of the two scenarios as follows:

A. It is the finding of this study that the proposed Santa Paula USD would be adequate in terms of the number of pupils enrolled. The enrollment of each affected district on the estimated date of formation, July 1, 2013, is projected to be as follows:

District	Projected Enrollment July 1, 2013
Proposed Santa Paula Unified SD	6,342

B. In response to 5CCR § 18573 (a)(l)(B) that states: "The analysis shall state whether the projected enrollment of each affected district will increase or decline and the extent thereof," the projected enrollment of each district is expected to change as follows:

District	Projected Enrollment Change*
Proposed Santa Paula Unified SD	Increase

* Method used consistent with 2CCR §1859.40 et Seq.

EC §35753(a)(2): The districts are each organized on the basis of a substantial community identity.

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Standard of Review

The following criteria from Title 5 should be considered to determine whether a new district is organized on the basis of substantial community identity: isolation; geography; distance between social centers; distance between school centers; topography; weather; community, school and social ties; and other circumstances peculiar to the area.

Overview

The mostly unincorporated community of proposed Santa Paula USD is located in the Santa Clara River Valley, which connects the city of Ventura on the coast and the Santa Clarita Valley on the east. The City of Santa Paula lies at the center of the proposed district.

California Highway 126, which passes through the community, is an important route 'connecting the inland areas of northwestern Los Angeles County with California's Central Coast region. The City of Santa Paula and the City of Fillmore are two suburban centers that have developed along Highway 126. The following page contains an area map showing the five affected districts.

The Santa Paula Chamber of Commerce describes the area best on its Internet Site under "President's Message" as follows:

> "We are located 65 miles northwest of Los Angeles, and 14 miles east of the Pacific Ocean. We have a population of approximately 30,000, and are located at the geographical center of Ventura County, in the rich Santa Clara River Valley.

We are surrounded by the peaks of the Los Padres National Forest to the north, and the rolling hills and fertile valleys to the south. Lemon and avocado groves are abundant in the area, and we are known as the last great "citruscape" in California. You will also find large plantings of flowers, berries, vegetables and herbs in our area. Avocado processing is a major industry in the area, and Santa Paula is a major distribution point for citrus products throughout the United States.

Santa Paula is a unique, multi-cultural small town, with an ideal climate and reasonably priced housing. These factors make it one of the most desirable places to live in southern California. It lies in close proximity to many tourist centers, and recreational and cultural activities abound. Visitors love our historic airport, our California Oil Museum, our famous Murals and our historic Mainstreet, USA.

Santa Paula's Main Street is an early-California treasure, with many business facades preserved to turn-of-the-century perfection. In the early 1900's, Santa Paula was the pre-Hollywood center of the motion picture industry, and even today, Santa Paula is frequently featured in Hollywood commercials, TV programs and movies.

The Santa Paula Airport, the oldest operating airfield in Ventura County, is known as "The Antique Airplane Capital of the World". The Airport Museum, open the first Sunday of every month, showcases a treasure-trove of world-famous experimental and antique aircraft.

The Union Oil Company was incorporated in Santa Paula in 1890, shortly after the first "gusher" occurred, just three miles west of town. The refurbished offices of Unocal are now home to the California Oil Museum, as well as the Santa Paula Historical Society.

The Limoneira Company, incorporated in 1893, is the largest lemon producer in North America, and the largest avocado grower in the United States. Their headquarters are just three miles west of town, and tours are offered daily of their state-of-the-art packinghouse and historic headquarters facilities." (www.santapaulachamber.comlWelcome.htm)

Isolation

The territory of the Santa Paula UHSD, although served by four feeder elementary school districts, appears to be a single community. Isolation is not a factor. Also, public comments added that populated areas of Santa Paula UHSD are separated from other cities by mountains to the north and south, and long-established greenbelts with Ventura to the west and Fillmore to the east.

Geography and Weather

Geography and weather are similar throughout the Santa Paula UHSD area and are not a factor in fostering separate communities within the area.

Distance between social centers and distance between school centers.

The community of Santa Paula is approximately equal distance from the City of Ventura on the west and the City of Fillmore on the east. A greater variety and number of services are available in the Ventura area than in the Fillmore area. However, some Santa Clara SD residents prefer to identify with the City of Fill more than with Santa Paula or Ventura.

Topography

The topography of the region consists of coastal inland valleys and rolling hills with some rugged terrain that is typical of Southern California.

Community, school, and social ties and other circumstances peculiar to the area.

The community of Santa Paula and Santa Paula UHSD are part of the suburban network of communities in western Ventura County. The school, and social ties and other circumstances peculiar to the four feeder elementary school districts are similar. Residents in the western portion of the community covered by the Briggs SD experience a more suburban environment than to those in eastern portion covered by the Santa Clara SD. Some residents in these two outlying school districts may claim closer identity with residents in Ventura or Fillmore, respectively, however many if not most social and community ties are to the Santa Paula area.

Also, public comments added that Briggs, Mupu and Santa Clara Schools are the social centers of their respective communities. Each of these districts has no other public buildings for voting, community meetings, holiday events, and the many other activities that defme a community. These three communities are different in character and physically separated from the urban area of Santa Paula that is served by SPESD. Additionally, Santa Paula is the self-sufficient urban center for the surrounding region. Mupu serves the canyon and ranching area north of the City, Briggs the rural area west of Santa Paula (except for a few small tracts of homes), and Santa Clara District is completely rural.

Conclusion

Families that live in the Santa Paula UHSD would be drawn to and better served by a new unified school district. The County Committee should also consider the unique qualities of the Briggs SD, the Mupu SD and the Santa Clara SD and the population of students and parents that they serve to better establish why exclusion of these districts pursuant to EC §35542(b) is beneficial to the community identity of these areas.

EC §35753(a)(3): The proposal will result in an equitable division of property and facilities of the original district or districts.

General Finding

The study finds that information contained in this section indicates that this condition would be substantially met.

Standard of Review

To determine whether an equitable division of property and facilities will occur, the California Department of Education reviews the proposal for compliance with the provisions of Education Code Sections 35560 and 35564 and determines which of the criteria authorized in Section 35736 shall be applied. The California Department of Education also ascertains that the affected districts and county office of education are prepared to appoint the committee described in Section 35565 to settle disputes arising from such division of property. (Title 5)

Before the enactment of EC §35542, most unifications involved one or more feeder elementary school districts unifying their portion of a high school district. This process often left the remaining territory of the high school district with an imbalance of ADA and AV, which often resulted in inequities in the division of assets and liabilities. With the enactment of EC §35542, one or more feeder elementary school districts can unify with their high school district, thereby making the entire high school district a new unified school district and the other feeder elementary school districts which choose not to participate in forming the new unified district may remain independent and retain jurisdiction and governance over the kindergarten through eighth grade portions of their

original districts. This process solves the imbalance in ADA and AV that would have been created without EC §35542.
The calculation of AV is important because it directly impacts the bonding capacity of a school district, which is the ratio of permitted bond debt to AV, that determines the ability of the district to finance its capital facilities needs. The bonding capacity of a unified school district shall not exceed 2.5 percent of the taxable assessed value of the school district in accordance with EC 15106. When a high school district (as did the Santa Paula UHSD) asks its voters to approve traditional general obligation bonds to finance facilities needs, it established a tax rate and authorization based on the AV and bonding capacity of the entire district, which it believes voters will approve. When voters approve the bond measure they believe that the amount of bonds and tax rate will be consistent with the statement in the ballot measure.

When unification of the territory of one or more elementary school districts occurs on which there are outstanding general obligation bonds, the anticipated revenue from the unified portion of the district may no longer be accessible to the remaining high school district territory for calculation of bonding capacity or for repayment of voter approved bonds. If the resulting division of assets, liabilities, facilities, ADA, and AV are all relatively proportionate, the proposed reorganization could meet the test of EC §35753(a)(3). However, if one or more of the factors of the resulting division of assets, liabilities, facilities, ADA, and AV are disproportionate, either the proposed new unified school district or the remaining high school district could have insufficient revenues to meet its obligations. For voter approved general obligation bonds, the county will adjust the tax rate for each of the districts to ensure that tax revenues are sufficient to cover annual bond payments previously authorized by voters. School districts that have outstanding general obligation bonds and lose a significant portion of their AV can have their property owners experience substantial increases in tax rates to cover annual general obligation bond debt service.

Furthermore, when the resulting division of assets, liabilities, facilities, ADA, and AV are disproportionate, the equitable division of assets and liabilities (BC §35753(a)(3» may be difficult or impossible to achieve. Also the cost of future facilities (BC §35753(a)(7) and the fiscal status if each of the districts (BC §35753(a)(9» could be negatively impacted. Enactment of EC §35542 has helped remove some disproportionate elements in two ways: 1) by permitting the integrated kindergarten through 12 grade portion of the proposed new unified school district to use EC §15106 for calculating bonding capacity while authorizing a bonding capacity calculation under EC §15102 for the high school portion of the territory of the independent feeder elementary school districts, and 2) by permitting the independent feeder elementary school districts to retain their bonding capacity calculation under EC §15102. However, an unfortunate consequence of retaining independence under EC §35542, is that the independent elementary school districts forego the increase in ADA that would have been provided had they joined the unified school district completely.

Under the EC §35542(b) scenario where the Briggs SD, Mupu SD, and Santa Clara SD remain independent, the calculation of and access to the bonding capacity of each of the independent feeder elementary school districts would not change. The high school portion of the bonding capacity for the independent feeder elementary school districts would become part of the bonding capacity calculation for the new unified school district. The integrated (K-12) portion of the new unified school district would use EC §15106 for its bonding capacity calculation. Should all districts choose to form one unified school district, the bonding capacity of all prior districts would be combined into a single bonding capacity that would be equal to the bonding capacity of the current Santa Paula UHSD and the sum of the bonding capacities of its feeder elementary school districts.

EC §35753(a)(4): The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Standard of Review

Title 5 sets forth five factors to be considered in determining whether reorganization will promote racial or ethnic discrimination or segregation:

(A) The current number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts, compared with the number and percentage of pupils in each racial and ethnic group in the affected districts and schools in the affected districts if the proposal or petition were approved.

(B) The trends and rates of present and possible future growth or change in the total population in the districts affected, in each racial and ethnic group within the total district, and in each school of the affected districts.

(C) The school board policies regarding methods of preventing racial and ethnic segregation in the affected districts and the effect of the proposal or petition on any desegregation plan or program of the affected districts, whether voluntary or court ordered, designed to prevent or alleviate racial or ethnic discrimination or segregation.

(D) The effect of factors such as distance between schools and attendance centers, terrain, geographic features that may involve safety hazards to pupils, capacity of schools, and related conditions or circumstances that may have an effect on the feasibility of integration of the affected schools.

(E) The effect of the proposal on the duty of the governing board of each of the affected districts to take steps, insofar as reasonably feasible, to alleviate segregation of minority pupils in schools regardless of its cause.

Analysis

To begin determining the effects of the formation of the proposed Santa Paula Unified SD on the racial and ethnic composition of the respective districts, data tables were created for the period for which data were collected by California Basic Educational Data System (CBEDS). These tables consider the effects that formation would have had on the respective school districts had formation occurred over the period 1984 through 2008. Conclusions were drawn on actual prior data rather than on racial and ethnic forecasts.

Findings/Conclusions

The proposed reorganization would have no impact on the racial and ethnic composition of the students in the existing Santa Paula UHSD and the feeder elementary school districts.

EC §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.

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Standard of Review

Education Code sections 35735 through 35735.2 mandate a method of computing revenue limits without regard to this criterion. Only potential costs to the state other than those mandated by sections 35735 through 35735.2 are considered in analyzing a proposal for compliance with this criterion.

Revenue Limit and Salary Comparisons

Revenue Limit calculations are essential elements for determining the financial viability of a proposed reorganization. Most of a district's operating revenue comes from revenue limit sources. The primary calculation provided by EC§ 35735.1 is for a blended revenue limit that is computed by taking a weighted average of the components of the district(s) that form the proposed new district. EC§ 35735.1 also provides a salary and benefit adjustment to the blended revenue limit but limits the revenue limit increase for a reorganization to 10 percent above the blended revenue limit.
As stated in Condition 3 of this study, for reorganization under either scenario in this study, the Santa Paula SD and the Santa Paula UHSD are the only districts contributing more than 25 percent of the ADA to the proposed Santa Paula USD. The revenue limit calculation reveals that pursuant to reorganization under EC §35542 the proposed Santa Paula USD would qualify for a 5.74 percent revenue limit increase and under a traditional reorganization would qualify for a 7.67 percent revenue limit increase. It is important to note that pursuant to reorganization under EC §35542, the independent elementary feeder school districts do not receive any increase in revenue limit.

Special Categorical Program Revenue

For purposes of this study, categorical program funds are typically based upon identified instructional and student needs such as Instructional Materials, Special Education and Gifted and Talented Education. Currently, equipment, materials and supplies for categorical programs are apportioned to· districts for allocation to their school sites. Formation of the proposed Santa Paula Unified SD may require a redistribution of these categorical funded resources to follow students needs identified in these programs.

Transportation Costs

The state provides limited levels of reimbursements to school districts for pupil transportation each year. Therefore, additional costs for pupil transportation would impact the reorganizing districts and not the state.

Findings/Conclusion

Revenue limit calculations for the blended revenue limit were made for the proposed Santa Paula Unified SD. Revenue limit funding is expected to be a blended revenue limit with a 7.67 percent increase for salary and benefits. However, because of Proposition 98 and subsequent legislation, a financial impact to the state for this reorganization is unlikely.

EC §35753(a)(6): The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.'

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Standard of Review

The proposal or petition shall not significantly adversely affect the educational programs of districts affected by the proposal or petition, and the California Department of Education shall describe the district-wide programs, and the school site programs, in schools not a part of the proposal or petition that will be adversely affected by the proposal or petition. (Title 5)

Analysis of Educational Program Offerings

The quantity and quality of educational programs would not be negatively impacted by a change in available funding to the proposed new district as a result of reorganization. Because under either scenario of reorganization either under EC §35542(b) or where all four of the feeder elementary school district become part of the proposed Santa Paula USD, it is forecast that there will be sufficient revenues to maintain or increase the level of funding for educational programs. Therefore, reorganization under either scenario would have a positive impact on the educational programs. It should be noted that the Ventura County Grand Jury Report 2008-09 and the Santa Paula Chamber of Commerce Report both came to similar conclusions.

Findings/Conclusion

In either scenario of unification, the per-pupil revenue limit would increase. Because there would be an increase in revenue, and a consolidation of administrative costs, the likelihood of additional funds being allocated to the educational programs of the proposed new Santa Paula USD could benefit the educational programs of the district.

EC §35753(a)(7): Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Introduction

Education Code §35753(7) states, "The proposed reorganization will not result in a significant increase in school housing costs." The capital facilities program of each affected district was examined to determine the extent that achieving this condition would be feasible.

Overview

The Santa Paula UHSD serves a moderately growing community in which some residential development is expected to occur over the next twenty years. This growth will likely impact the territory in which it occurs, whether the territory is reorganized or remains as it is today. Reorganization either under EC §35542 or where all four elementary school districts participate in the new unified school district will not impact the need for facilities.
Residential growth occurring in local areas within the current Santa Paula UHSD could be managed by the districts through interdistrict permits when capacity is limited in one area or by attendance boundary changes for those districts that participate in the unified school district. Through cooperation of the district management

teams, efficient use of facilities could save the local school districts and taxpayers money. Reorganization under either scenario could foster this cooperation.

General Obligation Bonds as a Source of Local Revenue for School Facilities Construction

Table VII - 1 shows the distribution of total bonding capacity before and after reorganization pursuant to EC §35542.

Table VII - 1
Bonding Capacity Distribution

Districts	BONDING CAPACITY BEFORE REORGANIZATION	PERCENT OF TOTAL AV	BONDING CAPACITY AFTER REORGANIZATION
BRIGGS SD	$ 4,561,684	17.18%	$ 4,561,684
MUPU SD	$ 808,259	3.04%	$ 808,259
SANTA CLARA SD	$ 812,486	3.06%	$ 812,486
SANTA PAULA SD	$ 20,370,436	76.72%	
SANTA PAULA UHSD	$ 26,552,865	100.00%	
SANTA PAULA UNIFIED SD		0.00%	$ 46,923,301
TOTAL	$ 53,105,730		$ 53,105,730

SOURCE:VENTURA COUNTY ASSESSOR RECORDS
* BEFORE REORGANIZATION EC §15102, AFTER REORGANIZATION EC §15106

Reorganization pursuant to EC §35542 will not impact the bonding capacity of the three independent school districts and would provide the kindergarten through twelfth portion of the proposed Santa Paula Unified School district with additional flexibility in structuring bonds for future facilities needs.

Table VII - 2
Bonding Capacity Distribution

Districts	BONDING CAPACITY BEFORE REORGANIZATION	PERCENT OF TOTAL AV	BONDING CAPACITY AFTER REORGANIZATION
BRIGGS SD	$ 4,561,684	17.18%	
MUPU SD	$ 808,259	3.04%	
SANTA CLARA SD	$ 812,486	3.06%	
SANTA PAULA SD	$ 20,370,436	76.72%	
SANTA PAULA UHSD	$ 26,552,865	100.00%	
SANTA PAULA UNIFIED SD	$ -	0.00%	$ 53,105,730
TOTAL	$ 53,105,730		$ 53,105,730

SOURCE:VENTURA COUNTY ASSESSOR RECORDS
* BEFORE REORGANIZATION EC §15102, AFTER REORGANIZATION EC §15106

EC §35753(a)(8): The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Introduction

The guidelines for EC§ 35753(8) suggest an analysis of the rationale offered in the petition for the territory transfer. If the proposed reorganization creates a significant change in local property values, the Ventura County Committee on School District Organization must consider whether possible increases in" local property values are the primary motivation for the reorganization proposal by the City of Santa Paula

Analysis and Findings

Analysis of property values in the greater territory of the current Santa Paula UHSD indicates that reorganization would not significantly impact property values in any portion of the Santa Paula UHSD and the proposed Santa Paula Unified SD.

Conclusion and Recommendations

This study recommends that the County Committee deem this condition substantially met.

EC §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.

General Finding

The study finds that data contained in this section indicate that this condition would be substantially met.

Introduction

Education Code Section 35753(9) states, "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." Conditions and standards pursuant to EC§ 33127 are recommended for evaluation of the financial condition of school districts affected by a proposed reorganization. This section of the report will address fiscal status and management by analyzing the conditions and standards review of the general fund budgets of the affected school districts and by reviewing the districts' annual financial audit reports.

General Fund Revenue and Expenditures

Historical Perspective on Revenue Limit

Examination of the history of California school district finance reveals that before 1972 school districts were funded from local property tax levies and a supplement of$125 per ADA from the state, which became

known as "basic aid" payments. In 1972, in response to the 1966 litigation of *Serrano* v. *Priest*, 5 Cal.3d 584 (1971), the California legislature passed SB90, which began the process of adjusting the revenue that school districts received to be similar on a per ADA basis for the categories of elementary, high school and unified districts. The initial per ADA revenue for each district was established using the district's 1971 AV.

When school district reorganization occurs, the new district(s) formed receive a weighted average of the per ADA revenue limits from each district that contributes students to the reorganization. In instances where two or more districts contribute 25 percent or more of the ADA to the new district, a maximum of 10 percent increase to the new revenue limit is permitted as per EC §35735.1.

Circumstances of the Proposed Reorganization

The advantage to leaving the Briggs SD, Mupu SD, and Santa Clara SD as independent districts is that they will each retain local control over their territories. However, by retaining independence, the Briggs SD and the Mupu SD may forego a possible increase in per-pupil revenue limit provided by the salary and benefit adjustment permitted by EC §35735.1. The remaining changes in revenue limit funding pursuant to calculations pursuant to EC §35735.1 would presumably be used to adjust the salary schedules of the new district to the salary schedule of the Santa Paula UHSD before reorganization. If the governing board of the proposed new unified school district were to adopt a different salary and benefits schedule that was lower than the existing Santa Paula UHSD, additional revenues could become available for other purposes. Conversely, if the governing board adopted a higher salary and benefits schedule than the existing Santa Paula UHSD it could cause a negative fiscal impact.

Analysis of Potential Impact on the Capital Funds of Each District

The capital funds of each district are expected to remain relatively unchanged by reorganization because most of the debt is voter approved and paid from property tax revenue, which would pass to the proposed Santa Paula USD.

Findings/Conclusion

This study finds that the fiscal status of each district pursuant to either method of unification would likely not have a substantial negative impact.

APPENDIX

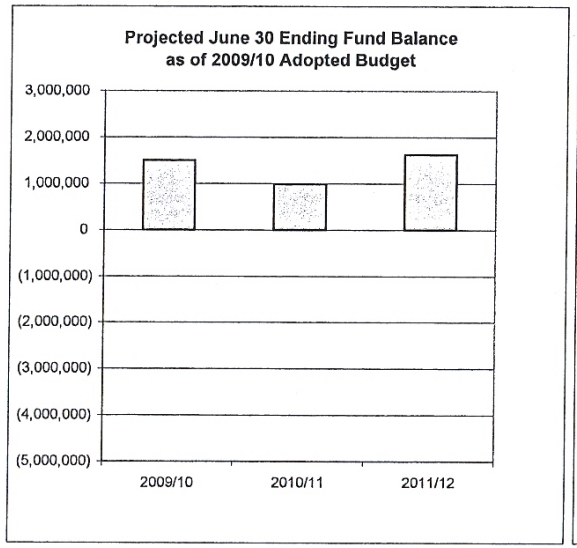
Any discussion of the five Santa Paula area school districts cannot be complete without acknowledging California's current economic crisis. Similar to many educational agencies throughout California, these five districts are affected by the state's fiscal crisis that has resulted in reduced state funding and delayed apportionments.

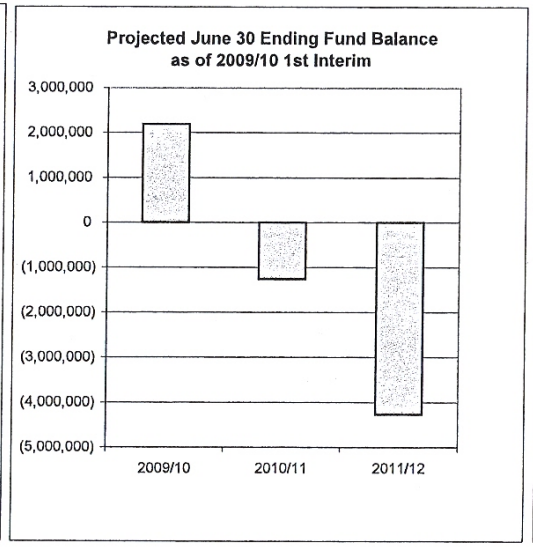
The following charts shown in this Appendix provide comparative data of these districts' adopted budgets, 1st and 2nd interim reports, along with multi-year projections during those reporting periods. The ongoing effect of California's fiscal crisis is reflected in these documents. Most of the five affected districts are projecting declining general fund balances in their multi-year projections. However, it's important to note that the Santa Paula Elementary School District documents indicate that the district's governing board appears to be addressing the negative financial issues projected in the adopted budget and based upon the 2nd interim report, the district is anticipating improvement in its fiscal condition with an increase to its general fund balance in fiscal year 2010-2011.

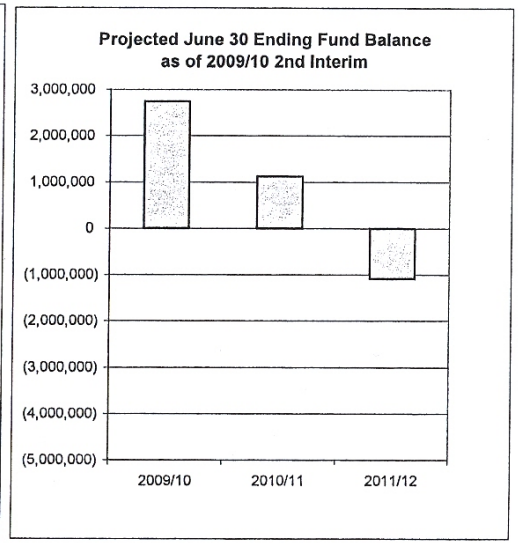
TOTAL GENERAL FUND REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
COMPARATIVE DATA FOR FISCAL YEARS 2009/10 THROUGH 2011/12

SANTA PAULA ELEMENTARY

	2009-10 ADOPTED BUDGET			2009-10 1ST INTERIM			2009-10 2ND INTERIM		
DESCRIPTION	ADOPTED BUDGET 2009/10	PROJECTED BUDGET 2010/11	PROJECTED BUDGET 2011/12	PROJECTED BUDGET 2009/10	PROJECTED BUDGET 2010/11	PROJECTED BUDGET 2011/12	PROJECTED BUDGET 2009/10	PROJECTED BUDGET 2010/11	PROJECTED BUDGET 2011/12
Total Revenues	31,655,205	31,097,842	32,694,453	31,012,097	30,698,986	31,716,353	31,619,227	28,946,864	29,449,386
Total Expenditures	33,007,651	31,617,847	32,049,661	33,895,275	34,146,146	34,723,117	33,954,336	30,569,338	31,659,148
Revenues Over/(Under) Expenditures	(1,352,446)	(520,005)	644,792	(2,883,178)	(3,447,160)	(3,006,764)	(2,335,109)	(1,622,474)	(2,209,762)
Total Other Financing Sources/Uses	0	0	0	0	0	0	(19,289)	0	0
Ending Balance June 30	1,499,573	979,568	1,624,360	2,186,979	(1,260,181)	(4,266,945)	2,743,578	1,121,104	(1,088,658)





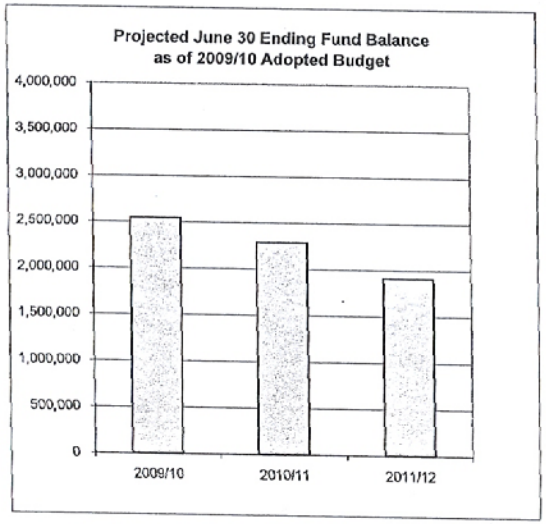


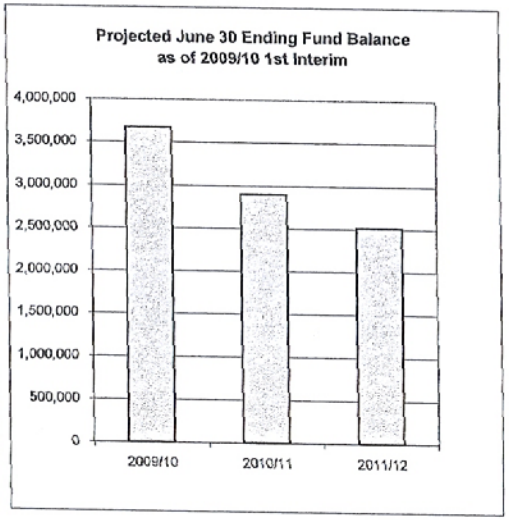
Santa Paula Elementary District filed a qualified certifcation at the 2009-10 First and Second Interim reporting periods. The district continues to make progress in restoring its reserve levels and now projects fiscal solvency in 2010/11. Efforts continue towards restoring fiscal solvency in 2011/12.

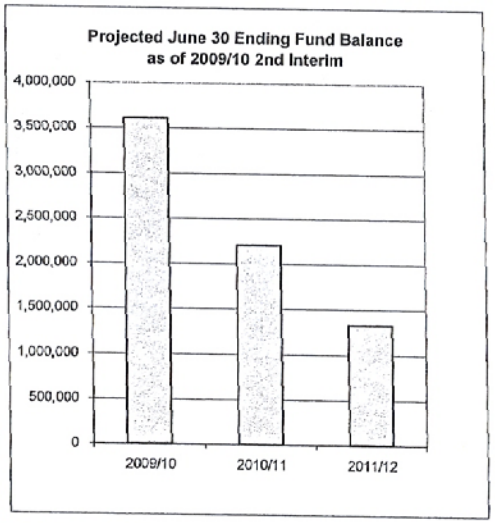
TOTAL GENERAL FUND REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
COMPARATIVE DATA FOR FISCAL YEARS 2009/10 THROUGH 2011/12

SANTA PAULA HIGH

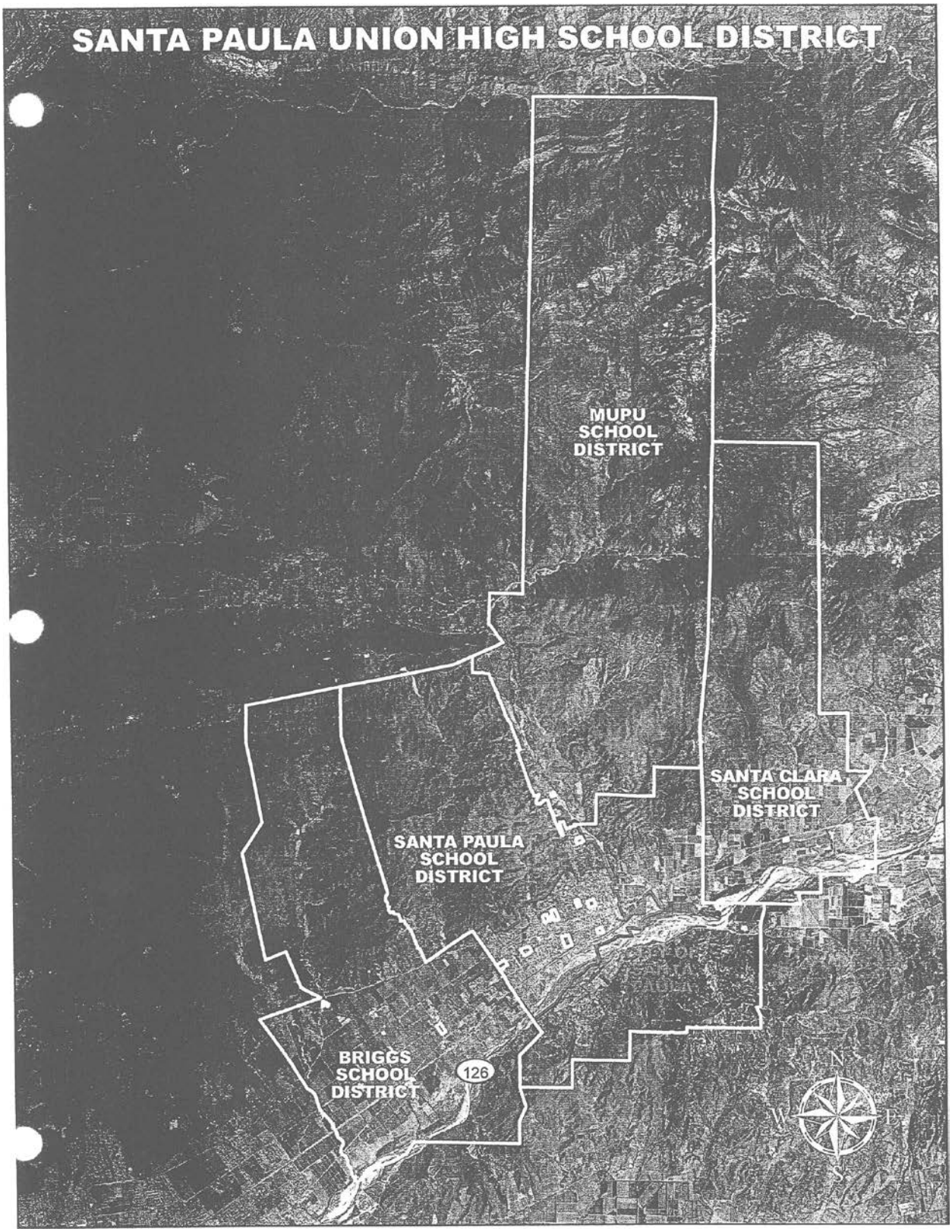
DESCRIPTION	2009-10 ADOPTED BUDGET			2009-10 1ST INTERIM			2009-10 2ND INTERIM		
	ADOPTED BUDGET 2009/10	PROJECTED BUDGET 2010/11	PROJECTED BUDGET 2011/12	PROJECTED BUDGET 2009/10	PROJECTED BUDGET 2010/11	PROJECTED BUDGET 2011/12	PROJECTED BUDGET 2009/10	PROJECTED BUDGET 2010/11	PROJECTED BUDGET 2011/12
Total Revenues	12,606,101	12,688,520	12,445,374	13,157,792	12,609,864	12,421,552	13,196,638	12,065,253	12,175,935
Total Expenditures	13,076,780	12,946,855	12,822,952	14,400,218	13,379,616	12,807,742	14,498,033	13,468,454	13,055,924
Revenues Over/(Under) Expenditures	(470,679)	(258,335)	(377,578)	(1,242,426)	(769,752)	(386,190)	(1,301,395)	(1,403,201)	(879,989)
Total Other Financing Sources/Uses	0	0	0	(57,170)	0	0	(60,595)	0	0
Ending Balance June 30	2,545,588	2,287,253	1,909,675	3,672,844	2,903,092	2,516,902	3,610,450	2,207,249	1,327,260







Santa Paula High School District meetsthe minimum recommended levels. At both the 2009-10 First and Second Interim reporting periods, the district filed positive certifications and is projecting fiscal solvency.


SANTA PAULA UNION HIGH SCHOOL DISTRICT
MUPU SCHOOL DISTRICT
SANTA CLARA SCHOOL DISTRICT
SANTA PAULA SCHOOL DISTRICT
BRIGGS SCHOOL DISTRICT
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California *Education Code* Sections Cited in Agenda Item

35500: It is the intent of the Legislature to utilize the organization of districts as they existed on January 1, 1981, and local educational needs and concerns shall serve as the basis for future reorganization of districts in each county.

35542:

(a) Whenever the boundaries of an elementary school district and a high school district become coterminous, the districts are merged into a new unified district.

(b) Notwithstanding subdivision (a), an elementary school district that has boundaries that are totally within a high school district may be excluded from an action to unify those districts if the governing board receives approval for an exclusion from the county committee if the conditions of subdivision (b) of Section 35710 are met or from the state board if those conditions are not met. Any elementary school district so authorized to be excluded from an action to unify may continue to feed into the coterminous high school under the same terms that existed before any action to unify pursuant to subdivision (a).

35560: When a school district is reorganized and when the allocation of funds, property, and obligations is not fixed by terms, conditions, or recommendations as provided by law, the funds, property, and obligations of a former district, except for bonded indebtedness, shall be allocated as follows:

(a) The real property and personal property and fixtures normally situated thereat shall be the property of the district in which the real property is located.

(b) All other property, funds, and obligations, except bonded indebtedness, shall be divided pro rata among the districts in which the territory of the former district is included. The basis for the division and allocation shall be the assessed valuation of the part of the former district which is included within each of the districts.

35564: If the reorganization of a school district under this chapter results in the relocation of district boundaries so that a portion of the pupils will not be residents of the district thereafter maintaining a school previously attended by the pupils, and if there is in the school an organized student body, the property, funds, and obligations of the student body shall be divided as determined by the county committee, except that the share shall not exceed an amount equal to the ratio which the number of pupils leaving the school bears to the total number of pupils enrolled. The ownership of the property, funds, and obligations, which is the proportionate share of each segment of the student body, shall be transferred to the student body of the school or schools in which the pupils are enrolled after the reorganization. Funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided.

35565: If a dispute arises between the governing boards of the districts concerning the division of funds, property, or obligations, a board of arbitrators shall be appointed which shall resolve the dispute. The board shall consist of one person selected by each district from which territory is withdrawn pursuant to a reorganization action under this chapter, one person selected by each district of which territory has become a part pursuant to that reorganization action, and either one or two persons, such that the board of arbitrators contains an odd number of persons, appointed by the county superintendent of schools of the county in which the districts are located. The districts involved may mutually agree that a person appointed as arbitrator by the county superintendent of schools may act as sole arbitrator of the matters to be submitted to arbitration. The necessary expenses and compensation of the arbitrators shall be divided equally between the districts, and the payment of the portion of the expenses is a legal charge against the funds of the school districts. The arbitrator or arbitrators shall make a written finding on the matter submitted to arbitration. The written finding and determination of a majority of the board of arbitrators is final and binding upon the school districts submitting the question to the board of arbitration.

35572: No territory shall be taken from any school district having any outstanding bonded indebtedness and made a part of another district where the action, if taken, would so reduce the last equalized assessed valuation of a district from which the territory was taken that the outstanding bonded indebtedness of the district would exceed 5 percent of the assessed valuation remaining in the district for each level maintained, on the date the reorganization is effective pursuant to Section 35766.

35573: When any school district is in any manner merged with one or more school districts so as to form a single district by any procedure, the district so formed is liable for all of the outstanding bonded indebtedness of the districts united or merged.

35575: When territory is taken from one school district and annexed to another school district and the area transferred contains no public school property or buildings, the territory shall drop any liability for outstanding bonded indebtedness in the district of which it was formerly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of the district of which it becomes a part.

35576:

(a) When territory is taken from one district and annexed to, or included in, another district or a new district by any procedure and the area transferred contains public school buildings or property, the district to which the territory is annexed shall take possession of the building and equipment on the day when the annexation becomes effective for all purposes. The territory transferred shall cease to be liable for the bonded indebtedness of the district of which it was formerly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of any district of which it becomes a part.

(b) The acquiring district shall pay the original district the greatest of the amounts determined under provisions of paragraphs (1) or (2) or the amount determined pursuant to a method prescribed under Section 35738.

(1) The proportionate share of the outstanding bonded indebtedness of the original district, which proportionate share shall be in the ratio which the total assessed valuation of the transferring territory bears to the total assessed valuation of the original district in the year immediately preceding the date on which the annexation is effective for all purposes. This ratio shall be used each year until the bonded indebtedness for which the acquiring district is liable has been repaid.

(2) That portion of the outstanding bonded indebtedness of the original district which was incurred for the acquisition or improvement of school lots or buildings, or fixtures located therein, and situated in the territory transferred.

(c) The county board of supervisors shall compute for the reorganized district an annual tax rate for bond interest and redemption which will include the bond interest and redemption on the outstanding bonded indebtedness specified in paragraph (1) or (2) of subdivision (b) or the amount determined pursuant to a method prescribed under

35700: An action to reorganize one or more districts is initiated upon the filing, with the county superintendent of schools, of a petition to reorganize one or more school districts signed by any of the following:

(a) At least 25 percent of the registered voters residing in the territory proposed to be reorganized if the territory is inhabited. Where the petition is to reorganize territory in two or more school districts, the petition shall be signed by at least 25 percent of the registered voters in that territory in each of those districts.

(b) A number of registered voters residing in the territory proposed to be reorganized, equal to at least 8 percent of the votes cast for all candidates for Governor at the last gubernatorial election in the territory proposed to be reorganized, where the affected territory consists of a single school district with over 200,000 pupils in average daily attendance and the petition is to reorganize the district into two or more districts.

(c) The owner of the property, provided that territory is uninhabited and the owner thereof has filed either a tentative subdivision map with the appropriate county or city agency or an application for any project, as defined in Section 21065 of the Public Resources Code, with one or more local agencies.

(d) A majority of the members of the governing boards of each of the districts that would be affected by the proposed reorganization.

35704: The county superintendent of schools, within 30 days after any petition for reorganization is filed, shall examine the petition and, if he or she finds it to be sufficient and signed as required by law, transmit the petition simultaneously to the county committee and to the State Board of Education.

35706:

(a) Within 120 days of the commencement of the first public hearing on the petition, the county committee shall recommend approval or disapproval of a petition for unification of school districts or for the division of the territory of an existing school district into two or more separate school districts, as the petition may be augmented, or shall approve or disapprove a petition for the transfer of territory, as the petition may be augmented.

(b) The 120-day period for approving or disapproving a petition pursuant to Section 35709 or 35710 shall commence after certification of an environmental impact report, approval of a negative declaration, or a determination that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

35707:

(a) Except for petitions for the transfer of territory, the county committee shall expeditiously transmit the petition to the State Board of Education together with its recommendations thereon. It shall also report whether any of the following, in the opinion of the committee, would be true regarding the proposed reorganization as described in the petition:

(1) It would adversely affect the school district organization of the county.
(2) It would comply with the provisions of Section 35753.

(b) Petitions for transfers of territory shall be transmitted pursuant to Section 35704.

35721:

(a) On receipt of a petition signed by at least 10 percent of the qualified electors residing in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the petition at a regular or special meeting.

(b) On receipt of a petition signed by at least 5 percent of the qualified electors residing in a school district with over 200,000 pupils in average daily attendance in which the petition is to reorganize the district into two or more districts, the county committee shall hold a public hearing on the petition at a regular or special meeting.

(c) On receipt of a resolution approved by a majority of the members of a city council, county board of supervisors, governing body of a special district, or local agency

formation commission that has jurisdiction over all or a portion of the school district for consideration of unification or other reorganization of any area, the county committee shall hold a public hearing on the proposal at a regular or special meeting.

(d) Following the hearing conducted pursuant to subdivision (a), (b), or (c), the county committee shall grant or deny the petition. If the county committee grants the petition, it shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization. The provisions of Sections 35705 and 35705.5 shall apply to any such public hearing.

35722: Following the public hearing, or the last public hearing, required by Section 35720.5 or subdivision (d) of Section 35721, the county committee may adopt a final recommendation for unification or other reorganization and shall transmit that recommendation together with the petition filed under subdivision (a) or (b) of Section 35721, or with the resolution filed under subdivision (c) of Section 35721, if any, to the State Board of Education for hearing as provided in Article 4 (commencing with Section 35750); or shall transmit the petition to the State Board of Education and order the reorganization granted if the requirements of Section 35709 are satisfied; or shall transmit the petition to the State Board of Education and order that an election be held if the requirements of Section 35710 are satisfied.

35731: In any proposal for unification, plans and recommendations may include a provision for a governing board of seven members. In the absence of such a provision, any proposed new district shall have a governing board of five members.

35732: Plans and recommendations may include a provision specifying the territory in which the election to reorganize the school districts will be held. In the absence of such a provision, the election shall be held only in the territory proposed for reorganization.

35734: The plans and recommendations may include a provision for trustee areas that provide for representation in accordance with population and geographic factors of the entire area of the district. Any provision of that kind shall also specify the boundaries of the proposed trustee areas and shall specify whether members of the governing board shall be elected by the registered voters of the entire school district or by only the registered voters of that particular trustee area. A proposal for trustee areas shall be considered as an inherent part of the proposal and not as a separate proposition.

In the absence of a provision for trustee areas, the proposed new district shall have a governing board elected by the registered voters of the entire district.

35735:

(a) Each proposal for the reorganization of school districts shall include a computation of the base revenue limit per unit of average daily attendance for the districts. That computation shall be an integral part of the proposal and shall not be considered separately from the proposal. The computation of the base revenue limit for the

newly organized school districts shall be based on the current information available for each affected school district for the second principal apportionment period for the fiscal year two years prior to the fiscal year in which the reorganization is to become effective. The computation of any adjustments for employee salaries and benefits shall be based on information from the fiscal year two years prior to the fiscal year in which the reorganization is to become effective. For the purposes of this article "affected school district" means a school district affected by a reorganization because all or a portion of its average daily attendance is to be included in the newly organized school districts.

(b) The county superintendent of schools shall compute the base revenue limit per unit of average daily attendance pursuant to Section 35735.1 for a school district involved in an action to reorganize and in an action to transfer territory.

(c) The State Department of Education shall use information provided pursuant to subdivision (a) by the county superintendent of schools in each county that has a school district affected by an action to unify or by an appeal of a transfer of territory to compute the base revenue limit per unit of average daily attendance for a newly organized school district pursuant to Section 35735.1.

(d) This section shall not apply to any reorganization proposal approved by the State Board of Education prior to January 1, 1995.

(e) Any costs incurred by the county superintendent of schools in preparing reports pursuant to this section or Section 35735.1 or 35735.2 may be billed to the affected school districts on a proportionate basis.

35735.1:

(a) The base revenue limit per unit of average daily attendance for newly organized school districts shall be equal to the total of the amount of blended revenue limit per unit of average daily attendance of the affected school districts computed pursuant to paragraph (1), the amount based on salaries and benefits of classified employees computed pursuant to paragraph (2), the amount based on salaries and benefits of certificated employees calculated pursuant to paragraph (3), and the amount of the inflation adjustment calculated pursuant to paragraph (4). The following computations shall be made to determine the base revenue limit per unit of average daily attendance for the newly organized school districts:

(1) Perform the following computation to arrive at the blended revenue limit:

(A) Based on the current information available for each affected school district for the second principal apportionment period for the fiscal year, two years prior to the fiscal year in which the reorganization is to become effective, multiply the base revenue limit per unit of average daily attendance for that school district by the number of units of average daily attendance for that school

district that the county superintendent of schools determines will be included in the proposed school district.

(B) Add the amounts calculated pursuant to subparagraph (A).

(2) For each affected school district in the newly organized school districts, the following computation shall be made to determine the amount to be included in the base revenue limit per unit of average daily attendance for the newly organized school districts that is based on the salaries and benefits of full-time equivalent classified employees:

(A) For each of those school districts, make the following computation to arrive at the highest average amount expended for salaries and benefits for classified full-time employees by the districts:

(i) Add the amount of all salaries and benefits for classified employees of the district, including both part-time and full-time employees.

(ii) Divide the amount computed in clause (i) by the total number of full-time equivalent classified employees in the district.

(B) Among those school districts that will make up 25 percent or more of the average daily attendance of the resulting newly organized school district, compare the amounts determined for each of those school districts pursuant to subparagraph (A) and identify the highest average amount expended for salaries and benefits for classified employees.

(C) For each of the school districts with salaries and benefits that are below the highest average amount identified in subparagraph (B) and that are included, in whole or in part, in the newly organized district, subtract the amount determined for the district pursuant to subparagraph (A) from the amount identified pursuant to subparagraph (B).

(D) For each of those school districts, multiply the amount determined for the district pursuant to subparagraph (C) by the number of full-time equivalent classified employees employed by the district, and then multiply by the percentage of the district's average daily attendance to be included in the new district.

(E) Add the amounts computed for each school district pursuant to subparagraph (D).

(3) For each affected school district in the newly organized school districts, the following computation shall be made to determine the amount to be included in the base revenue limit per unit of average daily attendance for the newly organized school districts that is based on the salaries and benefits of full-time equivalent certificated employees:

(A) For each of those school districts, make the following computation to determine the highest average amount expended for salaries and benefits for certificated full-time employees:

(i) Add the amount of all salaries and benefits for certificated employees, including both part-time and full-time employees.

(ii) Divide the amount determined in clause (i) by the total number of full-time equivalent certificated employees in the district.

(B) Among those school districts that will make up 25 percent or more of the average daily attendance of the resulting newly organized school district, compare the amounts determined for each school district pursuant to subparagraph (A) and identify the highest average amount expended for salaries and benefits for certificated employees.

(C) For each of the school districts with salaries and benefits that are below the highest average amount identified in subparagraph (B) and that are included, in whole or in part, in the newly organized school district, subtract the amount determined for the district pursuant to subparagraph (A) from the amount identified pursuant to subparagraph (B).

(D) For each of those school districts, multiply the amount determined for the district pursuant to subparagraph (C) by the number of full-time equivalent certificated employees of the school district, and then multiply by the percentage of the district's average daily attendance to be included in the new district.

(E) Add the amount calculated for each school district identified pursuant to subparagraph (D).

(4) The base revenue limit per unit of average daily attendance shall be adjusted for inflation as follows:

(A) Add the amounts determined pursuant to subparagraph (B) of paragraph (1), subparagraph (E) of paragraph (2), and subparagraph (E) of paragraph (3), and divide that sum by the number of units of average daily attendance in the newly organized school districts. The amount determined pursuant to this subparagraph shall not exceed 110 percent of the blended revenue limit per unit of average daily attendance calculated pursuant to paragraph (1).

(B) (i) Increase the amount determined pursuant to subparagraph (A) by the amount of the inflation adjustment calculated and used for apportionment purposes pursuant to Section 42238.1 for the fiscal year immediately preceding the year in which the reorganization becomes effective.

(ii) With respect to a school district that unifies effective July 1, 1997, and that has an average daily attendance in the 1996-97 fiscal year of more than 1,500 units, increase the amount determined pursuant to subparagraph (A) by an amount calculated as follows:

(I) For each component district of the newly unified district, multiply the amount of revenue limit equalization aid per unit of average daily attendance determined pursuant to Sections 42238.41, 42238.42, and 42238.43, or any other sections of law, for the 1996-97 fiscal year by the 1996-97 second principal apportionment units of average daily attendance determined pursuant to Section 42238.5 for that component district.

(II) Add the results for all component districts, and divide this amount by the sum of the 1996-97 second principal apportionment units of average daily attendance determined pursuant to Section 42238.5 for all component districts.

(C) Increase the amount determined pursuant to subparagraph (B) by the amount of the inflation adjustment calculated and used for apportionment purposes pursuant to Section 42238.1 for the fiscal year in which the reorganization becomes effective for all purposes.

(D) Increase the amount determined pursuant to subparagraph (C) by any other adjustments to the base revenue limit per unit of average daily attendance that the newly organized school districts would have been eligible to receive had they been reorganized in the fiscal year two years prior to the year in which the reorganization becomes effective for all purposes.

(b) The amount determined pursuant to subparagraph (D) of paragraph (4) of subdivision (a) shall be the base revenue limit per unit of average daily attendance for the newly organized school districts.

(c) The base revenue limit per unit of average daily attendance for the newly organized school district shall not be greater than the amount set forth in the proposal for reorganization that is approved by the state board. The Superintendent may make adjustments to base revenue limit apportionments to a newly organized school district, if necessary to cause those apportionments to be consistent with this section.

(d) If the territorial jurisdiction of any school district was revised pursuant to a unification, consolidation, or other reorganization, occurring on or before July 1, 1989, that resulted in a school district having a larger territorial jurisdiction than the original school district prior to the reorganization, and a reorganization of school districts occurs on or after the effective date of the act that added this subdivision that results in a school district having a territorial jurisdiction that is substantially the same, as determined by the state board, as the territorial jurisdiction of that original school

district prior to the most recent reorganization occurring on or before July 1, 1989, the revenue limit of the school district resulting from the subsequent reorganization shall be the same, notwithstanding subdivision (b), as the revenue limit that was determined for the original school district prior to the most recent reorganization occurring on or before July 1, 1989.

(e) The average daily attendance of a newly organized school district, for purposes of subdivision (d) of Section 42238, shall be the average daily attendance that is attributable to the area reorganized for the fiscal year two years prior to the fiscal year in which the new district becomes effective for all purposes.

(f) For purposes of computing average daily attendance pursuant to subdivision (d) of Section 42238 for each school district that exists prior to the reorganization and whose average daily attendance is directly affected by the reorganization, the following calculation shall apply for the fiscal year two years prior to the fiscal year in which the newly reorganized school district becomes effective:

(1) Divide the 1982-83 fiscal year average daily attendance, computed pursuant to subdivision (d) of Section 42238, by the total average daily attendance of the district pursuant to Section 42238.5.

(2) Multiply the percentage computed pursuant to paragraph (1) by the total average daily attendance of the district calculated pursuant to Section 42238.5, excluding the average daily attendance of pupils attributable to the area reorganized.

(g) This section shall not apply to any reorganization proposal approved by the state board prior to January 1, 1995.

(h) Notwithstanding any other provision of law, this section shall not be subject to waiver by the state board pursuant to Section 33050 or by the Superintendent.

35736: Plans and recommendations may include a proposal for dividing the property, other than real property, and obligations of any school district proposed to be divided between two or more school districts, or proposed to be partially included in one or more school districts. As used in this section, "property" includes funds, cash on hand, and moneys due but uncollected on the date reorganization becomes effective for all purposes, and state apportionments based on average daily attendance earned in the year immediately preceding the date reorganization becomes effective for all purposes. In providing for this division, the plans and recommendations may consider the assessed valuation of each portion of the district, the revenue limit per pupil in each district, the number of children of school age residing in each portion of the district, the value and location of the school property, and such other matters as may be deemed pertinent and equitable. Any such proposal shall be an integral part of the proposal and not a separate proposition.

35737: Plans and recommendations may include a provision specifying that the election for the first governing board will be held at the same time as the election on the

reorganization of the school districts. If such a provision is included, it shall specify the method whereby the length of the initial terms may be determined so that the governing board will ultimately have staggered terms which expire in years with regular election dates. In the absence of such a provision, the election of the first governing board will take place on the first regular election following the passage of the reorganization proposal.

35738: Plans and recommendations may include a method of dividing the bonded indebtedness other than the method specified in paragraphs (1) and (2) of subdivision (b) of Section 35576 for the purpose of providing greater equity in the division. Consideration may be given to the assessed valuation, number of pupils, property values, and other matters which the petitioners or county committee deems pertinent.

35753:

(a) The State Board of Education may approve proposals for the reorganization of districts, if the board has determined, with respect to the proposal and the resulting districts, that all of the following conditions are substantially met:

(1) The reorganized districts will be adequate in terms of number of pupils enrolled.

(2) The districts are each organized on the basis of a substantial community identity.

(3) The proposal will result in an equitable division of property and facilities of the original district or districts.

(4) The reorganization of the districts will preserve each affected district's ability to educate students in an integrated environment and will not promote racial or ethnic discrimination or segregation.

(5) Any increase in costs to the state as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

(6) The proposed reorganization will continue to promote sound education performance and will not significantly disrupt the educational programs in the districts affected by the proposed reorganization.

(7) Any increase in school facilities costs as a result of the proposed reorganization will be insignificant and otherwise incidental to the reorganization.

(8) The proposed reorganization is primarily designed for purposes other than to significantly increase property values.

(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.

(10) Any other criteria as the board may, by regulation, prescribe.

(b) The State Board of Education may approve a proposal for the reorganization of school districts if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

35754. After affording interested persons an opportunity to present their views on the petition and after hearing any findings and recommendations of the State Superintendent of Public Instruction, the State Board of Education shall approve or disapprove the formation of the proposed new district. If the board approves the formation, it may amend or include in the proposal any of the appropriate provisions of Article 3 (commencing with Section 35730).

35756. The county superintendent of schools, within 35 days after receiving the notification provided by Section 35755, shall call an election, to be conducted at the next election of any kind in the territory of districts as determined by the state board, in accordance with either of the following:

(a) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000).
(b) Division 4 (commencing with Section 4000) of the Elections Code.

ITEM #W-03

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by four local educational agencies to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701 to remove their schools from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year. Waiver Numbers: Fowler Unified School District 2-12-2011 Grass Valley Elementary School District 41-12-2011 Savanna Elementary School District 10-11-2011 Yucaipa-Calimesa Joint Unified School District 15-11-2011 Yucaipa-Calimesa Joint Unified School District 28-12-2011	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of five waiver requests for schools on the 2012-13 Open Enrollment list (two requests are from the Yucaipa-Calimesa Joint Unified School District) (Attachments 2 through 6). These waivers would allow the schools to have their names removed from the 2012-13 Open Enrollment List. These waivers would not affect the standing of any other school, as each of these waivers is specific to each named school. Districts granted this waiver must honor any requests from students to transfer out of these schools pursuant to the Open Enrollment Act. These requests were previously heard at the March 2012 SBE meeting. If no action is taken on these requests, these waivers will automatically be approved for one year without conditions.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard requests from LEAs that do not meet the SBE streamlined waiver criteria to be removed from the 2012-13 Open Enrollment list. The SBE took no action on the non-streamlined waiver requests presented at the March 2012 meeting.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of the1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that a district could have no more than 10 percent of its schools on the list.

Identification as a “low-achieving” school can have a significant educational, economic, and political impact on the school community. The label of “low-achieving” does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is “low-achieving” may cause unwarranted flight from the school community and may negatively impact financial issues.

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).

> *EC* 33051(a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:
> (1) The educational needs of the pupils are not adequately addressed.
> (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
> (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
> (4) Pupil or school personnel protections are jeopardized.
> (5) Guarantees of parental involvement are jeopardized.
> (6) The request would substantially increase state costs.
> (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: See each waiver request.

Authority for Waiver: *EC* Section 33050
Period of request: See each waiver request.

Local board approval date(s): See each waiver request.

Public hearing held on date(s): See each waiver request.

Bargaining unit(s) consulted on date(s): See each waiver request.

Public hearing advertised by (choose one or more): See each waiver request.

SUMMARY OF KEY ISSUES (Cont.)

Advisory committee(s) consulted: See each waiver request.

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: Chart of Schools Requesting a General Waiver from the 2012-13 Open Enrollment List (1 page).

Attachment 2: Fowler Unified School District General Waiver Request 2-12-2011 (2 pages) (Original waiver request is signed and on file in the Waiver Office).

Attachment 3: Grass Valley Elementary School District General Waiver Request 41-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Savanna Elementary School District General Waiver Request 10-11-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Yucaipa-Calimesa Joint Unified School District General Waiver Request 15-11-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Yucaipa-Calimesa Joint Unified School District General Waiver Request 28-12-2011 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Schools Requesting a General Waiver from the 2012-13 Open Enrollment List

Waiver #	County District School	2011 District Growth API	2011 School Growth API/Met Student Groups Growth Targets	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommended for Approval (Yes/No)
2-12-2011	Fresno Fowler Unified Marshall Elementary	757	781 / Yes	No	No	3, 2	Not In PI	Support 11/10/2011	Requested: July 1, 2012 to June 29, 2014 Recommended: July 1, 2012 to June 30, 2013	Yes
41-12-2011	Nevada Grass Valley Elementary Margaret G. Scotten Elementary	784	754 / No	No	No	4, 1	Year 1	Support 12/09/2011	Requested: July 2012 to July 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
10-11-2011	Orange Savanna Elementary Holder Elementary	795	781 / No	No	No	4, 9	Year 2	Support 11/01/2011	Requested: July 1, 2011 to June 29, 2012 Recommended: July 1, 2012 to June 30, 2013	Yes
15-11-2011	San Bernardino Yucaipa-Calimesa Joint Unified Dunlap Elementary	788	768 / Yes	No	No	4, 5	Year 2	Support 10/11/2011	Requested: July 1, 2011 to June 29, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes
28-12-2011	San Bernardino Yucaipa-Calimesa Joint Unified Valley Elementary	788	771 / No	No	No	5, 4	Year 2	Support 11/29/2011	Requested: July 1, 2011 to June 29, 2013 Recommended: July 1, 2012 to June 30, 2013	Yes

Prepared by the California Department of Education

Revised: 04/16/2012 8:47 AM

2-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	0	6	2	1	5	8

Local educational agency: Fowler Unified School District on behalf of Marshall Elementary School	Contact name and Title: Eric Cederquist Superintendent		Contact person's e-mail address: ecederquist@fowlerusd.org
Address: 658 E Adams Avenue	(City) Fowler	(State) CA	(ZIP) 93625
Phone (and extension, if necessary): (559) 834-6080 Fax Number: (559) 834-3390			
Period of request: (month/day/year) From: 7/01/2012 To: 6/29/2014	Local board approval date: (Required) 12/7/2011	Date of public hearing: (Required) 12/7/2011	

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: (EC) or *CCR*

   Topic of the waiver: **EC 48352(a) and 5CCR 4701** Open Enrollment

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 11/10/2011

   Name of bargaining unit and representative(s) consulted: CSEA – Diane Mendez / FUTA – Lesa Irick

   The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Marshall School Site Council
   Date the committee/council reviewed the waiver request: November 29, 2010

   Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC48352. For purposes of this article, the following definitions apply:
~~(a)"Low achieving school" means any school identified by the Superintendent pursuant to the following:~~
~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.~~
~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~
~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~
~~(B) Court, community, or community day schools shall not be included on the list.~~
~~I Charter schools shall not be included on the list.~~ **And 5CCR 4701**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages. **2010 Base API – 761 2011 Growth API 781**

Marshall Elementary School is a K-2 school of approximately 435 students in the 2011/2012 school year. Since grade 2 at Marshall School is the only grade that takes the STAR, only 130+ students are tested annually.
Marshall School has successfully met API growth targets in four of the past five years which qualifies the school for the "SBE Waiver policy to streamline waiver requests from districts and schools."
The criteria for developing the list of Open Enrollment schools have contributed to consequences that are contrary to the intent of the law which is to provide more options for parents at low-achieving schools. Marshall Elementary School's performance clearly shows that it is a high achieving school.

API – Marshall Elementary School

2006	2007	2008	2009	2010	2011
733	750	754	828	761	781

The formula for designating Open Enrollment schools is clearly flawed. Marshall Elementary School is a Title I School in the Fowler Unified School District. Marshall School is not in Program Improvement which speaks volumes to its high achieving status. We request that this waiver be approved in order to remove Marshall Elementary School from the Open Enrollment List for the 2012/2013 and for two consecutive years as the waiver request allows.

8. Demographic Information:
Marshall Elementary School has a student population of _435__ and is located in a rural area in Fresno County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

41-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___

Renewal Waiver: _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE
29-66332-6106157

Local educational agency: **Grass Valley School District** **Margaret G. Scotten School**	Contact name and Title: **Eric Fredrickson** **Superintendent**	Contact person's e-mail address: **efredric@gvsd.k12.ca.us**
Address: (City) (State) (ZIP) **10842 Gilmore Way Grass Valley CA 95945**		Phone (and extension, if necessary): **(530) 273-4473** Fax Number: **(530) 273-0248**
Period of request: (month/day/year) From: **July 2012** To: **July 2013**	Local board approval date: (Required) **December 13, 2011**	Date of public hearing: (Required) **December 13, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **48350 Title 5, Section 4701** Circle One: *EC* or *CCR*

   Topic of the waiver: **Identification of Open Enrollment Schools**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **63-12-2010** and date of SBE Approval: **April 21, 2011**

   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **December 9, 2011**

   Name of bargaining unit and representative(s) consulted: **Grass Valley Teacher Association, John Frantz, President**

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: **December 5, 2011**

   Were there any objection(s)? No ___ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

E.C. 48350, 48352

CCR Title 5, Section 4701

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attached Addendum

8. Demographic Information:
(*District/school/program* ***School*** has a student population of 444 and is located in a **rural town** (*urban, rural, or small city etc)* in **Nevada** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee: **Eric Fredrickson**	Title: **Superintendent**	Date: **December 13, 2011**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Open Enrollment Waiver 2012/13 School Year
Section 7. Desired outcome/rationale

Our desired outcome is that Scotten School be removed from the 2012/13 1000 lowest - performing schools Open enrollment list. Our rationale for making this request is based on several factors. First we feel that the regulation that only allows 10% of schools in a district to be identified as an Open Enrollment School unfairly identifies schools in smaller school districts that have much higher API scores. Scotten School's API score for the 2011 spring testing was 754, and their state rank was 4. This means that out of 5,764 elementary schools in California, Scotten School's API was about average, which means there are a significant number of other elementary schools with lower API's than Scotten School.

Secondly, the negative stigma that is cast upon a school community by being placed on the Open Enrollment list and the negative impact it has on the Grass Valley School District is significant. In a small rural community that is impacted by declining enrollment, and where small districts are aggressively competing for students, having a school listed as an Open Enrollment School makes it extremely challenging for the school district to retain its students.

Scotten School is known in our community for providing a quality education. As well as strong community support, Scotten has received awards for California Distinguished School and/or Title 1 High Achieving School for five years since 2002. When the parents of Scotten School were notified last year that the school was being placed on the Open Enrollment list we did not have a single family choose to leave the school. We believe that this is a strong indicator of how satisfied our parents are with the education that their children are receiving at Scotten School.

Lastly, the time and cost required of staff to explain the Open Enrollment law and notify every parent in writing is an unnecessary unfunded mandate. With the state financial crisis and the fact that no parents left our school due to Open Enrollment the first time, it is at best inefficient and at worst unreasonable to require us to notify parents again this year.

If Scotten School were truly a low performing school and the process for placing a school on the Open Enrollment List was a fair and logical model then our district would not be requesting this waiver. We feel that until this process is modified, the implications of this process will have a significant negative impact on our school district.

10-11-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	9	6

Local educational agency: **Savanna Elementary School District** on behalf of **Holder School**	Contact name and Title: **Dr. Sue Johnson, Superintendent**	Contact person's e-mail address: **sue.johnson@savsd.org**
Address: (City) (State) (ZIP) **1330 S. Knott Ave. Anaheim CA 92804**		Phone (and extension, if necessary): **714 236-3805** Fax Number: **714 827-6167**
Period of request: (month/day/year) **From: July 1, 2011 To: June 29, 2012**	Local board approval date: (Required) **November 8, 2011**	Date of public hearing: (Required) **November 8, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **48350-48361** Circle One: *EC* or *CCR*

   Topic of the waiver: **Open Enrollment Act - Criteria for identifying "Low-achieving schools"**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **November 1, 2011**

   Name of bargaining unit and representative(s) consulted: **Savanna District Teachers Association**
   Mary Johnson Cajiao, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): Savanna District Teachers Association strongly supports this waiver request to remove Holder School from the list of 1,000 "low-achieving schools".

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
   How was the required public hearing advertised?

   ___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: **Holder School Site Council**
   November 7, 2011

   Were there any objection(s)? No **X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

- **Education Code 48352.** For purposes of this article, the following definitions apply: ~~(a) "Low-achieving school" means any school identified by theSuperintendent pursuant to the following: (1) Excluding the schools, and taking into account the impact ofthe criteria in paragraph (2), the Superintendent annually shallcreate a list of 1,000 schools ranked by increasing API with the sameratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year. (2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following: (A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list. (C) Charter schools shall not be included on the list.~~ (b) "Parent" means the natural or adoptive parent or guardian of adependent child. (c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article. (d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

- **Title 5 CCR 4701.** Identification of Open Enrollment Schools. ~~a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology: (1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools; (2) the list of 1,000 schools shall exclude the following: (A) schools that are court, community, or community day schools; (B) schools that are charter schools; (C) schools that are closed; and (D) schools that have fewer than 100 valid test scores. 3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and (4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Savanna School District, on behalf of Holder School, is requesting that Holder School not be identified as a "low-achieving school" and be removed from the list of 1,000 "low-achieving schools".

Holder School received a 2011 API score of 781. The California Department of Education gave Holder School a similar school's ranking of 9, a state indicator of success in 2010. It does not make sense for the State to deem Holder School successful using one criteria and "low-achieving" using another criteria.

Of the approximately 5,374 elementary schools in the State (this number excludes small schools), there are at least 1,853 that have lower API scores than Holder School. Many of those schools are not on the "low-achieving schools" list because their school districts already reached their 10% "cap".

Savanna School District contends that the formula and system used to develop the list of 1,000 "low-achieving " schools is flawed. When the formula states that only 10% of a district's schools can be placed on the list, it penalizes small school districts such as the Savanna School District that has only four schools. Using the present formula, one of our schools has the strong likelihood of landing on this list, while a neighboring larger district has no elementary schools on the list (even though they have a large number of elementary schools with API scores lower than Holder School's score) because they "capped out" with their middle and high schools!

The Savanna School District contends that if the state wants to publish a list of the 1,000 "low-achieving schools", it should include the actual 1,000 schools with the lowest API scores. Holder School would, therefore, not be on this list.

It is unfair to the students, staff, and community of Holder School, to include Holder School on the list of 1,000 "low-achieving schools" in California, when Holder School is not a "low-achieving school".

8. Demographic Information:
(*District/school/program)*__ has a student population of __**2325**_____ and is located in an **urban** area__(*urban, rural, or small city etc.)*__ in ____**Orange**_____ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
Dr. Sue Johnson	**Superintendent**	**November 8, 2011**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:

Deputy (*type or print*):	Deputy Signature:	Date:

15-11-2011

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	9	5	9

Local educational agency: Yucaipa-Calimesa Joint Unified School District On behalf of Dunlap Elementary School	Contact name and Title: Linda Moffatt Director, K-12 Curriculum	Contact person's e-mail address: linda_moffatt@ycjusd.k12.ca.us
Address: (City) (State) (ZIP) 12797 Third Street Yucaipa CA 92399		Phone (and extension, if necessary): 909-797-0174 (x129) Fax Number: 909-790-6104
Period of request: (month/day/year) From: July 1, 2011 To: June 29, 2013	Local board approval date: October 25, 2011	Date of public hearing: October 25, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352 Circle One: (*EC*) or *CCR*
   Topic of the waiver: Removal of Dunlap Elementary School from the Open Enrollment List

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _NA__ and date of SBE Approval _ NA__
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): October 11, 2011

   Name of bargaining unit and representative(s) consulted: Patrick Smith, Yucaipa Calimesa Education Assciation, president

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Dunlap Elementary School Site Council Sub-committee

   Date the committee/council reviewed the waiver request: October 17, 2011

   Were there any objection(s)? No X Yes

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code 48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of adependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~
~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Yucaipa-Calimesa Joint Unified School District (YCJUSD), with a district-wide API ranking of 788, is requesting to remove Dunlap Elementary School from the Open Enrollment List. Dunlap Elementary scored an API of 749 in 2008-09 and an API score of 768 in 2010-11. Dunlap Elementary has an SES population of 72%, with a similar schools ranking of 5 and a statewide ranking of 4. The school is currently in Program Improvement Year 2; however, Dunlap Elementary School has worked hard to improve the achievement of all students. The district is providing Dunlap Elementary with significant supplementary fiscal and curricular support which is being aimed at school-wide staff development, technology and intervention programs for students. Dunlap Elementary is the first school in the district to offer all-day kindergarten classes. Dunlap Elementary was the only elementary school in the district to offer Extended Year –Seven Week Summer program for low performing students. Dunlap Elementary offers before and after school homework assistance for students in grades 1-6. Dunlap Elementary has a full time Reading Specialist for low performing students. Dunlap Elementary recently installed a sound amplification system in all classrooms. Dunlap Elementary is a community school with significant parent support. Placing Dunlap Elementary School on the list when it is not one of the 1,000 lowest performing schools in the state creates a stigma of negativity that impacts students, staff, and community morale. By removing Dunlap Elementary from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all students that all schools in YCJUSD enjoy.

8. Demographic Information:
Dunlap Elementary School has a student population of __424__and is located in a small city in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ■ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ■ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee: Linda Moffatt	Title: Director, K-12 Curriculum	Date: October 26, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

28-12-2011

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	9	5	9

Local educational agency: Yucaipa-Calimesa Joint Unified School District On behalf of Valley Elementary School	Contact name and Title: Linda Moffatt Director, K-12 Curriculum		Contact person's e-mail address: linda_moffatt@ycjusd.k12.ca.us
Address: (City) (State) (ZIP) 12797 Third Street Yucaipa CA 92399			Phone (and extension, if necessary): 909-797-0174 (x129) Fax Number: 909-790-6104
Period of request: (month/day/year) From: July 1, 2011 To: June 29, 2013	Local board approval date: December 13, 2011		Date of public hearing: December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352 Circle One: (*EC*) or *CCR*

Topic of the waiver: Removal of Valley Elementary School from the Open Enrollment List

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _NA__ and date of SBE Approval _ NA__
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): November 29, 2011

Name of bargaining unit and representative(s) consulted:
Patrick Smith, Yucaipa-Calimesa Educators Association (YCEA) president

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Valley Elementary School Site Council Sub-committee

Date the committee/council reviewed the waiver request: November 16, 2011

Were there any objection(s)? No X Yes

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code 48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools. (B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~
(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.
(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.
(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

Title 5 CCR 4701. Identification of Open Enrollment Schools.

~~a) The State Superintendent of Public Instruction (SSPI) shall annually construct a list of 1,000 schools for the Open Enrollment Act that maintains the same ratio of elementary, middle, and high schools as existed in decile 1 of the 2009 Base Academic Performance Index (API) file and retains only "10 percent" of a local educational agency's (LEA's) schools pursuant to the following methodology:~~

~~(1) the list of 1,000 schools shall include 687 elementary schools, 165 middle schools, and 148 high schools;~~
~~(2) the list of 1,000 schools shall exclude the following:~~
~~(A) schools that are court, community, or community day schools;~~
~~(B) schools that are charter schools;~~
~~(C) schools that are closed; and~~
~~(D) schools that have fewer than 100 valid test scores.~~

~~3) an LEA shall have on the list no more than 10 percent of its total number of schools that are not closed. However, when that total number of schools is not evenly divisible by 10, the 10 percent number of the LEA's schools shall be rounded up to the next whole number; and~~

~~(4) to produce the final list of 1,000 schools, the SSPI shall apply the following process: (A) create a pool of schools: 1. for the purpose of constructing the Open Enrollment Schools List for transfer during the 2010-2011 school year, this pool shall be created by selecting all schools from the 2009 Base API file.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Yucaipa-Calimesa Joint Unified School District (YCJUSD), with a district-wide API ranking of 788, is requesting to remove Valley Elementary School from the Open Enrollment List. Valley Elementary scored an API score of 771 in 2010-11. Valley Elementary has an SES population of 76%, with a similar schools ranking of 4 and a statewide ranking of 5. The school is currently in Program Improvement Year 2; however, Valley Elementary School has worked hard to improve the achievement of all students:

- Valley Elementary is a 2008 California Distinguished School
- In 2011, all significant subgroups' API was greater than 720
- In 2010, Valley met AYP targets school-wide and for all significant subgroups out right or through Safe Harbor and as a result was "frozen" in Program Improvement Year 1.
- Since 2005 the overall API has increased by 25 API points while our Socioeconomically Disadvantaged subgroup has increased by 39 API points
- All teachers have now been trained in Direct Interactive Instruction and are receiving ongoing coaching support
- All teachers are implementing the district's Academic Vocabulary and Summary Writing training/materials
- Valley's schedule allows for weekly grade level collaboration time
- Valley is continuing to develop as a professional learning community
- Valley has increased the implementation of interactive educational technology in classroom instruction
- Valley has fully implemented Response to Intervention universal screenings and Tier 2/Tier 3 interventions, as well as progress monitoring of students participating in Tier 2 & 3 interventions
- Valley implements a school-wide targeted literacy intervention through Differentiated Instructional Time (DIT) for grades 3-6
- Targeted Math Intervention within the school day is provided for students in grades 3-6
- Valley has allocated Title I/staff resources toward providing in-school and afterschool targeted interventions
- The YCJUSD School Board recently approved the purchase of new adopted ELA instructional materials to replace the outdated 2000 ELA adoption materials which had been held in abeyance due to budget crisis
- Valley Elementary has a full time Reading Specialist for low performing students

The district is providing Valley Elementary with significant supplementary fiscal and curricular support which is being aimed at school-wide staff development, technology and intervention programs for students. Valley Elementary is a community school with significant parent support. Placing Valley Elementary School on the list when it is not one of the 1,000 lowest performing schools in the state creates a stigma of negativity that impacts students, staff, and community morale. By removing Valley Elementary from the Open Enrollment List, the school will maintain the same sense of pride and momentum of high academic achievement for all students that all schools in YCJUSD enjoy.

8. Demographic Information:
Valley Elementary School has a student population of __678__and is located in a small city in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ■ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ■ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:		
Linda Moffatt	Title: Director, K-12 Curriculum	Date: December 16, 2011

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-04

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Linden Unified School District** to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove **Glenwood Elementary School** from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year. Waiver Number: 22-1-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (CDE) recommends approval of Linden Unified School District waiver request for Glenwood Elementary School on the 2012-13 Open Enrollment list (Attachment 2) that does not meet the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at: http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). This waiver is recommended for approval on the condition that the local educational agency (LEA) granted this waiver must honor any transfer requests pursuant to the Open Enrollment Act. Granting this waiver would allow the school to have their name removed from the 2012-13 Open Enrollment List. This waiver does not affect the standing of any other school, as this waiver is specific to the individual school named in the attached waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard a request from an LEA that does not meet SBE streamlined waiver criteria to be removed from the 2012-12 Open Enrollment list. The SBE took no action on the non-streamlined waiver requests presented at the March 2012 meeting.

SUMMARY OF KEY ISSUES

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a "low-achieving" school can have a significant educational, economic, and political impact on the school community. The label of "low-achieving" does not

SUMMARY OF KEY ISSUES (Cont.)

take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is "low-achieving" may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because these are general waivers, if the SBE decides to deny either waiver, it must cite one of the seven reasons in *EC* Section 33051(a).

> *EC* 33051(a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:
> (1) The educational needs of the pupils are not adequately addressed.
> (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
> (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
> (4) Pupil or school personnel protections are jeopardized.
> (5) Guarantees of parental involvement are jeopardized.
> (6) The request would substantially increase state costs.
> (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: San Joaquin County, Linden Unified School District

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2012 to June 29, 2013

Period of recommendation: July 1, 2012 to June 30, 2013

Local board approval date(s): January 18, 2012

Public hearing held on date(s): January 18, 2012

Bargaining unit(s) consulted on date(s): Association of Linden Educators/Stan Smith
Cc: San Joaquin Coordinating Council/
Jan Hastings

Public hearing advertised by (choose one or more): Notice posted at each school, United States Postal Office – Linden, CA Rinaldi's Market, Linden, CA, and Linden Unified School District Office, Linden, CA

SUMMARY OF KEY ISSUES (Cont.)

Advisory committee(s) consulted: See each waiver request

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: List of Schools and Streamlined Waiver Policy Data (2 pages).

Attachment 2: Linden Unified School District General Waiver Request 22-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Schools Requesting a General Waiver from the 2012-13 Open Enrollment List

Waiver #	County District School	2011 District Growth API	2011 School Growth API/Met Student Groups Growth Targets	Met API Growth Targets (3 of last 5 yrs)	Meets SBE Waiver Policy (Yes/No)	Decile, Similar Schools Rank	Current PI Status	Position of Bargaining Unit/Date Consulted	Period of Request	Recommended for Approval (Yes/No)
22-1-2012	San Joaquin Linden Unified Glenwood Elementary	783	769 / No	No	No	4, 7	Year 4	Support 12/04/2011	Requested: July 1, 2011 to June 29, 2012 Recommended: July 1, 2012 to June 30, 2013	Yes

Prepared by the California Department of Education
Revised: 4/16/2012 8:47 AM

22-1-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X

Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	9	6	8	5	7	7

Local educational agency: **Linden Unified School District on Behalf of Glenwood Elementary School**	Contact name and Title: **Michael V. Gonzales Ed.D.** **Superintendant**	Contact person's e-mail address: **migonzales@sjcoe.net**
Address: **2005 N. Alpine Road** (City) **Stockton,** (State) **CA** (ZIP) **952154**		Phone (and extension, if necessary): **(209) 887 - 3894** Fax Number: **(209) 887-2250**
Period of request: (month/day/year) From: **7/1/2011** To: **6/29/2012**	Local board approval date: (Required) **January 18, 2012**	Date of public hearing: (Required) **January 18, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Open Enrollment Act **48350 (a)**
Topic of the waiver:

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval **N/A**
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s) **December 14, 2011**

Name of bargaining unit and representative(s) consulted**:** **Association of Linden Educators/Stan Smtih**
Cc: San Joaquin Coordinating Council/Jan Hastings

The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper **X** Notice posted at each school **X** Other: *(Please specify)* **United States Post Office – Linden, CA, Rinaldi's Market, Linden, CA, and Linden Unified School District Office – Linden, CA**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: **Glenwood School Site Council – December 7, 2011**

Were there any objection(s)? No **X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

48352. For purposes of this article, the following definitions apply:
~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~
~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.~~
~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~
~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~
~~(B) Court, community, or community day schools shall not be included on the list.~~
~~(C) Charter schools shall not be included on the list.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Glenwood Elementary School's base API for 2011 was 765. While this represents a decrease of 3 points in our overall API, Glenwood Elementary has made continued progress with our various subgroups in both API and AYP. During 2011, In the area of Mathematics, we achieved Safe Harbor in the following groups: schoolwide, Hispanic, and Socioeconomically Disadvantaged. We also experienced API increases with our Hispanic Subgroup 732 (+7), Socioeconomically Disadvantaged 745 (+15), and English Learners 712 (+7). Since 2007, Glenwood Elementary School's API has increased overall in all subgroups. We are proud of our success and continue to work toward improving student achievement.

Linden Unified School District is a small district which consists of two kindergarten through eighth grade elementary schools, one kindergarten through fourth grade school, one fifth through eighth grade school, a high school, continuation school and community day school. We have identified 68 schools in two larger, adjacent districts that have lower API scores than Glenwood and are not included on the list. Glenwood Elementary has the third highest API score of any of the San Joaquin school on this list. Being placed on this list would cause irreparable harm as our community has very few choices within the district and leaving the district has the potential to be devastating financially.

Community relations are strained as we are a small community and we are the only school within the district to be identified on this list. We have made positive gains in creating a school culture, which examines data and utilizes this data for the purpose of school improvement. Continued staff development is a high priority for our district and Glenwood Elementary. Our teachers are life long learners and continue to seek new and improved methods of meeting the needs of our students. Being placed on this list damages school morale and undermines the positive gains we have made.

8. Demographic Information:
During 2010 – 11 school year, Glenwood Elementary School had a total student enrollment of 376. Ethnically, the school population was made up of 59.8% Hispanic and 30.3% white (non Hispanic). The remainder of students represent such ethnic groups as Asian, Pacific Islander, American Indian, and African American. English learners made up 36.4% of the student population and 67% of students were designated as socioeconomically disadvantaged.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X**☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X**☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.		
Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-25

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Fremont Unified School District** to waive California *Education Code* Section 48352(a) and *California Code of Regulations* Title 5, Section 4701, to remove **Robertson High School** from the Open Enrollment List of "low-achieving schools" for the 2012–13 school year. Waiver Number: Fremont Unified School District 148-2-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of the Fremont Unified School District waiver request (Attachment 2) for removal from the 2012-13 Open Enrollment list. This waiver meets the criteria for the State Board of Education (SBE) Streamlined Waiver Policy (available at: http://www.cde.ca.gov/re/lr/wr/documents/sbestreamlined.doc). However, the CDE is recommending denial of this waiver because the educational needs of the pupils would not be adequately addressed as required under *Education Code* (*EC*) 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This is the second time the SBE has heard requests from LEAs that meet the SBE streamlined waiver criteria to be removed from the 2012-13 Open Enrollment list. The SBE approved the streamlined waiver requests presented at the March 2012 meeting.

SUMMARY OF KEY ISSUES

While the Fremont Unified School District meets the criteria set forth in the SBE streamlined waiver policy, the CDE recommends that Robertson High School remain on the 2012-13 Open Enrollment list. Robertson High School has a 2010 Base API score of 540 and a 2011 Growth API score of 570. Since Robertson High School is an ASAM school, it does not receive a rank; however the highest Base API score for high schools in 2010 with a statewide rank of 1 was 634. This API score clearly places Robertson High School on the lowest 10 percent of all high schools. There are at least three alternative schools in the adjacent area with higher API scores than Robertson High School that students could attend if granted a transfer.

SUMMARY OF KEY ISSUES (Cont.)

The methodology used in creating the list of 1,000 lowest achieving schools, per the statute, resulted in some higher achieving schools being placed on the list while at the same time some schools with lower APIs were not included on the list. This was primarily due to the statutory provision that an LEA can have no more than 10 percent of its schools on the list.

Identification as a "low-achieving" school can have a significant educational, economic, and political impact on the school community. The label of "low-achieving" does not take into account the API scores for schools whose scores have risen or are maintained closer to the higher levels of achievement. The perception that the school is "low-achieving" may cause unwarranted flight from the school community and may negatively impact fiscal issues.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a).

> *EC* 33051(a) The State Board of Education shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following:
> (1) The educational needs of the pupils are not adequately addressed.
> (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request.
> (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.
> (4) Pupil or school personnel protections are jeopardized.
> (5) Guarantees of parental involvement are jeopardized.
> (6) The request would substantially increase state costs.
>
> (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

SUMMARY OF KEY ISSUES (Cont.)

Demographic Information: Alameda County, Fremont Unified School District

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2012, to June 30 2014~~3~~

Period of recommendation: July 1, 2012 to June 30 2013

Local board approval date(s): February 22, 2012

SUMMARY OF KEY ISSUES (Cont.)

Public hearing held on date(s): February 22, 2012

Bargaining unit(s) consulted on date(s): No date listed on waiver

Public hearing advertised by (choose one or more): Notice in newspaper, Notice posted at school

Advisory committee(s) consulted: School site council

FISCAL ANALYSIS (AS APPROPRIATE)

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

ATTACHMENT(S)

Attachment 1: List of Schools and Streamlined Waiver Policy Data (1 page).

Attachment 2: Fremont Unified School District General Waiver Request 148-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office).

Schools Requesting a General Waiver from the 2012-13 Open Enrollment List

Waiver #	County	District	School	Date Bargaining Unit Consulted	Position of Bargaining Unit	Meets Streamlined Waiver Policy (Yes/No)	Period of Request	Recommended for Approval (Yes/No)
148-2-2012	Alameda	Fremont Unified	Robertson High (Continuation)	No date listed on waiver	Support	Yes	Requested: July 1, 2012 to June 30, 2014 Recommended, If Approved: July 1, 2012 to June 30, 2013	No

148-2-2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: _____

Renewal Waiver: _x_

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
0	1	6	1	1	7	6

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Fremont Unified School District	**Kathryn Ashford**	kashford@fremont.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
4210 Technology Drive PO Box 5008 Fremont, CA 94538	(510) 659-2531 Fax Number: (510) 659-2532

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **07/01/2012** To: **06/30/2014**	**February 22, 2012**	**February 22, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 48352(a) Circle One: (*EC*) or *CCR*

   Topic of the waiver: **Waiver Application for Open Enrollment – Robertson High School**

2. If this is a renewal of a previously approved waiver, list Waiver Number: 44-10-2010 date of SBE Approval 05/19/2011
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **FUDTA (Fremont Unified District Teacher Association)**

   Name of bargaining unit and representative(s) consulted: **Brannin Dorsey**

   The position(s) of the bargaining unit(s): __ Neutral _**X**_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper _X__ Notice posted at school ___ Other:

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council
   Date the committee/council reviewed the waiver request:
   November 10, 2011
   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

48352. For purposes of this article, the following definitions apply:

~~(a) "Low-achieving school" means any school identified by the Superintendent pursuant to the following:~~

~~(1) Excluding the schools, and taking into account the impact of the criteria in paragraph (2), the Superintendent annually shall create a list of 1,000 schools ranked by increasing API with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008-09 school year.~~

~~(2) In constructing the list of 1,000 schools each year, the Superintendent shall ensure each of the following:~~

~~(A) A local educational agency shall not have more than 10 percent of its schools on the list. However, if the number of schools in a local educational agency is not evenly divisible by 10, the Superintendent shall round up to the next whole number of schools.~~

~~(B) Court, community, or community day schools shall not be included on the list.~~

~~(C) Charter schools shall not be included on the list.~~

(b) "Parent" means the natural or adoptive parent or guardian of a dependent child.

(c) "School district of enrollment" means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(d) "School district of residence" means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to Section 48200.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Fremont Unified is a high-performing district, with an average API of 877. Robertson High School is on the Open Enrollment list due to the fact that it is among the ten percent of the lowest performing schools in the district.

Robertson High School is a voluntary program that is available for all high school students 16 years of age or older. All students referred to Robertson High School are credit deficient. In the 2010/2011 school year:

- Credits earned by students increased 8%
- Our API increased 28 points
- The number of graduating students increased by 8%
- CAHSEE math passing rate for 10th grader increased by 12%
- CAHSEE English passing rate for 10th graders increased by 9%

The Robertson program is committed to intervene and provide credit recovery for students so they can earn a high school diploma. The school is the only continuation school in Fremont Unified School District that serves a population of students with such needs.

8. Demographic Information:

Robertson High School has a student population of 256 and is located in Fremont in Alameda County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Director, Federal and State Projects Fremont Unified School District	Date:

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Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-28

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **Specific Waiver**

SUBJECT

Request by 10 districts, under the authority of California *Education Code* Section 41382, to waive portions of *Education Code* sections 41376 (a), (c), and (d) and/or 41378 (a) through (e), relating to class size penalties for kindergarten through grade three. For kindergarten, the overall class size average is 31 to one with no class larger than 33. For grades one through three, the overall class size average is 30 to one with no class larger than 32.

Waiver Numbers: Barstow Unified School District 29-1-2012
Central Elementary School District 120-2-2012
Etiwanda Elementary School District 84-2-2012
Fullerton Elementary School District 86-2-2012
La Mesa-Spring Valley School District 108-2-2012
Orange Unified School District 92-2-2012
Romoland Elementary School District 129-2-2012
Upland Unified School District 167-2-2012
Victor Elementary School District 133-2-2012
Willows Unified School District 45-1-2012

☒ **Action**

☒ **Consent**

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE), based on the finding below, recommends that the class size penalties for kindergarten through grade three be waived provided that the overall average and individual class size average is not greater than the CDE recommended class size on Attachment 1. The waivers do not exceed two years less one day.

Finding: Given the extremely challenging fiscal environment for California schools and the specific financial circumstances described by each district in its waiver application, the State Board of Education (SBE) finds that the districts' continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the districts would otherwise incur without approval of the requested waiver. In these circumstances, the SBE finds specifically that the class size penalty provisions of *Education Code (EC)* sections 41376 and/or 41378 will, if not waived, prevent the districts from developing more effective educational programs to improve instruction in reading and mathematics in the classes specified in the districts' applications.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the SBE has approved all kindergarten through grade three class size penalty waiver requests as proposed by CDE. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

Education Code Section 41382 allows the SBE to approve an exemption to the class size penalties assessed for kindergarten through grade three if the associated statutory class size requirements prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics. Under this authority, these districts are requesting a waiver of subdivisions (a) through (e) of *EC* Section 41378, which provide for a penalty if the average class size on a district-wide basis for kindergarten exceeds 31 students or individual class levels exceed 33, and/or subdivisions (a), (c), and (d) of *EC* Section 41376, which provide for a penalty if the average class size on a district-wide basis for grades one through three exceeds 30 students, or individual class levels exceed 32. Since this particular statute regarding class size limits was written in 1964, given the current fiscal environment in school districts statewide, consideration of this and similar waivers is warranted.

The districts listed on Attachment 1 request flexibility to temporarily increase class sizes in kindergarten through grade three or grades one through three to reduce expenditures in light of the statewide budget crisis and the associated reductions in revenue limit funds provided by the state. Since fiscal year 2008–09, most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures.

Each district states that without the waiver, the core reading and math programs will be compromised by the fiscal penalties incurred. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

SUMMARY OF KEY ISSUES (Cont.)

CDE recommends, based on the finding above, that the class size penalties for kindergarten through grade three be waived provided the overall average and the individual class size average is not greater than the CDE recommended level shown on Attachment 1. Should any district exceed this new limit, the class size penalty would be applied per statute.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver. (3 page)

Attachment 2: Barstow Unified School District Specific Waiver Request 29-1-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Central Elementary School District Specific Waiver Request 120-2-2012(4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Etiwanda Elementary School District Specific Waiver Request 84-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Fullerton Elementary School District Specific Waiver Request 86-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: La Mesa-Spring Valley School District Specific Waiver Request 108-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Orange Unified School District Specific Waiver Request 92-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Romoland Elementary School District Specific Waiver Request 129-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Upland Unified School District Specific Waiver Request 167-2-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 10: Victor Elementary School District Specific Waiver Request 133-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Willows Unified School District Specific Waiver Request 45-1-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.

Districts Requesting Kindergarten through Grade 3 Class Size Penalty Waivers

Education Code sections 41376 and 41378: For Kindergarten: Overall average 31; No class larger than 33.
For Grades 1-3: Overall average 30; no class larger than 32

Waiver Number	District	Period of Request	District's Requested Class Size Average	CDE Recommended Class Size Average (New Maximum)	Bargaining Unit/Representatives Consulted and Dates Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted and Date	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waiver and Period of Request
29-1-2012	Barstow Unified School District	**Requested:** July 1, 2012 to June 29, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Barstow Education Association, Candice Michelson, President, 12/8/11; California Schools Employees Association, Dianne Patty, President, 1/23/12 **Support**	October 11, 2011	Parent Advisory Committee 12/13/11 **No Objections**	$105,000 each year	Positive	Yes 7/1/10 to 6/29/12
120-2-2012	Central School District	**Requested:** July 1, 2012 to June 29, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Central Teachers Organization, Elieen Keilty, President, 2/9/12; California Schools Employees Association, Patty Espinoza, President, 2/9/12 **Support**	February 16, 2012	District Advisory Committee and District English Language Advisory Committee 2/9/12 **No Objections**	$1,100,000 each year	Positive	Yes 7/1/10 to 6/29/12
84-2-2012	Etiwanda Elementary School District	**Requested:** July 1, 2012 to June 29, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 32; no class size larger than 33	For K-3: Overall average 32; no class size larger than 33	Etiwanda Teachers Association, Sonya Scott, President, 1/18/12 **Neutral**	February 9, 2012	District Advisory Committee 1/31/12 **No Objections**	$286,055 each year	Positive	Yes 7/1/10 to 6/29/12

Waiver Number	District	Period of Request	District's Requested Class Size Average	CDE Recommended Class Size Average (New Maximum)	Bargaining Unit/Representatives Consulted and Dates Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted and Date	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waiver and Period of Request
86-2-2012	Fullerton Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For 1-3: Overall average and no class size larger than 33	For 1-3: Overall average and no class size larger than 33	Fullerton Elementary Teachers Assocation, Karla Turner, President, 12/6/11; California Schools Employees Association, Al Lucuesta, President, 1/24/12 **Support**	February 7, 2012	Fullerton School District Budget Advisory Committee 1/25/12 **No Objections**	$604,915 each year	Qualified	Yes 7/1/10 to 6/29/12
108-2-2012	La Mesa-Spring Valley School District	**Requested:** July 1, 2012 to June 29, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For 1-3: Overall average 31; no class size larger than 33	For 1-3: Overall average 31; no class size larger than 33	La Mesa-Spring Valley Teachers Association, Byron Lindsay, Chairperson, 1/11/12; California Schools Employee Association, Anna Bongard, President, 1/18/12 **Support**	February 7, 2012	District Advisory Council 1/10/12 **No Objections**	$600,000 each year	Positive	No
92-2-2012	Orange Unified School District	**Requested**: July 1, 2012 to June 30, 2012 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Orange Unified Education Association, Dave Brown, Executive Director, Whitney Amsbary, President, 1/9/12 **Neutral**	January 19, 2012	District Advisory Council 1/17/12 **ObjectionsApprovals-13, Neutral-1 and Opposed -3**	$548,483 each year	Positive	
129-2-2012	Romoland Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Romoland Teachers Association, Jay Greenberg, President, 1/11/12 **Neutral**	January 14, 2012	**Approve** School Site Councils, 2/7/12 and 2/9/12 **No Objections**	$150,000 each year	Positive	No

Waiver Number	District	Period of Request	District's Requested Class Size Average	CDE Recommended Class Size Average (New Maximum)	Bargaining Unit/Representatives Consulted and Dates Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted and Date	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waiver and Period of Request
167-2-2012	Upland Unified School District	**Requested**: July 1, 2012 to June 28, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 32; no class size larger than 35	For K-3: Overall average 32; no class size larger than 35	Upland Teachers Association, John Glenn, President, 11/16/11 **Support**	January 17, 2012	**Approve** District Advisory Committee 2/22/12 **No Objections**	$979,000 each year	Positive	Yes 7/1/10 to 6/29/12
133-2-2012	Victor Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 33	For K-3: Overall average 33; no class size larger than 33	Victor Elementary Teachers Association (VETA), Nancee Fine, President, 2/1/12; California School Employees Association (CSEA), John Mickle, President, 2/2/12 **VETA Neutral/CSEA Support**	February 8, 2012	**Approve** District Advisory Council 2/3/12 **No Objections**	$1,356,684 each year	Qualified	Yes 7/1/10 to 6/29/12
45-1-2012	Willows Unified School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	For K-3: Overall average 33; no class size larger than 35	For K-3: Overall average 33; no class size larger than 35	Willows Unified Teachers Association, Teresa Wood, Negotiation Chairperson, 1/12/12; California Schools Employee Association, Karen Hansen, President, 1/12/12 **Neutral**	February 2, 2012	**Neutral** Murdock Elementary School site Council 1/11/12 **No Objections**	$186,000 each year	Qualified	Yes 7/1/10 to 6/29/12

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	6	1	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Barstow Unified School District	**Tony Wardell, Assistant Superintendent Business Services**	**tony_wardell@busdk12.com**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
551 South Avenue H	**Barstow**	**CA**	**92311**	**760-255-6009** Fax number: **760-255-8965**

Period of request: (month/day/year)	Local board approval date: (Required)
From: **07/01/2012** To: **06/29/2014**	**October 11, 2011**

LEGAL CRITERIA

1. Authority for the waiver**: X** Specific code section: **EC41382**
2. Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

   EC 41382 Exemption from penalty provision: Application to State Board of Education

3. *Education Code* or *California Code of Regulations* or portion to be waived.
   Section to be waived: (number) **EC 41376 (a), (c) and (d) and 41378 (a) through (e)** Circle One: *EC* or *CCR*

   Brief Description of the topic of the waiver: **Waiver of class size penalties for grades K-3. Under the provisions of Ed. Code sections 41376 (a), (c) and (d) and 41378 (a) through (e) to avoid class size penalties.**

4. If this is a renewal of a previously approved waiver**,** please list Waiver No: **1-6-2011-W-5** and date of SBE approval **09/08/2011**. Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

5. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

   Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **12/08/2011 (BEA) and 01/23/2012 (CSEA)**

   Name of bargaining units and representative(s) consulted: **Barstow Education Association, Candice Michelson, President; California Schools Employees Association, Dianne Patty, President**

   The position(s) of the bargaining unit(s): ___ Neutral **X** Support ___ Oppose (*Please specify why*)

   Comments (if appropriate):

6. Advisory committee or school site council that reviewed the waiver. Name: **Parent Advisory Committee**

   Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
   Date advisory committee/council reviewed request: **12/13/2011**

   X Approve ___ Neutral ___ Oppose

   Were there any objection? Yes ___ No **X** (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-09)

7. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a~~) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (~~a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

8. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The District is seeking to temporarily increase class size in grade K-3, in order to reduce expenditures. The District faces severe fiscal challenges from a decade of declining enrollment; a lower than average revenue limit and persistent State funding reductions. The District is requesting that Ed Code Section 41376 (a), (c) (d) and Education Code Section 41378 and the associated penalties be waived in order to increase class size until additional revenue are available. The waiver would end on June 29, 2014 unless otherwise extended.

9. Demographic Information:
Barstow Unified School District has a student population of 6030 and is located in an urban area in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) **X** No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? **X** No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: **Interim Superintendent**	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Specific Waiver Request

Barstow Unified School District

Please submit the following with Barstow Unified School District Specific Waiver Request, Section 9:
The potential penalties could cost the District an estimated $105,000.00 annually. This additional loss of revenue would result in a further decline to our classrooms, resulting in reductions that reach to the core academic programs, such as reading, mathematics and science. The Barstow Unified School District's goal is to continue our academic improvements and provide our students with a quality education in the midst of this fiscal crisis. It is our hope that further reductions through penalties will not occur and our waiver will be fully considered by this Board.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	6	4	5

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Central School District	Lori Isom, Assistant Superintendent, Business Services	lisom@csd.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
10601 Church Street, #112, Rancho Cucamonga, CA 91730	909-989-8541 Fax number: 909-941-1732

Period of request: (month/day/year)	Local board approval date: (Required)
From: 7/1/12 To: 6/29/14	February 16, 2012

LEGAL CRITERIA

1. Authority for the waiver: EC 41382 Specific code section: EC 41378 (a) – (e); EC 41376 (a), (c), and (d)
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: (number) EC 41382 Circle One: *EC* or *CCR*

Brief Description of the topic of the waiver: Waiver of Kindergarten Class Size Penalty (EC 41378 (a) – (e)); Waiver of Grades 1-3 Class Size Penalty (EC 41376 (a), (c) and (d))

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: 23-6-2010-WC-3 and date of SBE approval September 16, 2010 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): CSEA – 2/9/12, CTO – 2/9/12

Name of bargaining units and representative(s) consulted: California Schools Employees Association, Patty Espinoza; School Office Manager; Central Teachers Organization, Eileen Keilty, Teacher

The position(s) of the bargaining unit(s): ___ Neutral X Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Committee (DAC)/District English Language Advisory Committee (DELAC), Ms. Tiffany Lawrence (DAC); Mr. Dan Lewis (DAC); Ms. Rosey Regalado (DELAC)

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request. Date advisory committee/council reviewed request:

X Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No X (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

   See Attached.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   See Attached.

8. Demographic Information:
   Central School District has a student population of 4,782 and is located in the city of Rancho Cucamonga in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _**X**_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
/s/ Donna L. Libutti	Superintendent	February 16, 2012
Signature of SELPA Director (only if a Special Education Waiver)		Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

SPECIFIC WAIVER REQUEST
Central School District
CD Code 3667645
Waiver of Grades K-3 Class Size Penalty

Item #6:

EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a~~) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (~~a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

SPECIFIC WAIVER REQUEST
Central School District
CD Code 3667645
Waiver of Grades K-3 Class Size Penalty

Item #7:

The District requests a waiver to increase the District-wide average number of pupils per each full-time equivalent (FTE) teacher from the current limit of 31 per FTE for Kindergarten (per EC 41378) and 30 for grades 1-3 (per EC 41376) to 33 per FTE and individual class size to 35 to one for grades K-3.

Article 19 of the Central Teachers Organization (CTO) Agreement states the desired class sizes to be 31:1 for grades K-3.

With the current average class size of 30 and 31 per FTE, the District must sometimes move students to another class to ensure the average is not exceeded. This is not in the best interest of the student nor the integrity of the instructional program. It is not the intent of the District to increase classes in Kindergarten through grade three; however, the waiver will eliminate any penalty assessed should the District-wide average exceed the current maximum limits allowed in EC 41376 and EC 41378.

Because of the extremely challenging fiscal environment presently facing all schools statewide and the uncertainty of the District's potential for losing an additional $370/ADA in the middle of the school year, the Board finds that the District's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver. In these circumstances, the Board finds specifically that the class size penalty provisions of Education Code section 41376 and 41378 will, if not waived, prevent the District from developing more effective educational programs to improve instruction in reading and mathematics in Kindergarten through grade three.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

REF: Waiver 28-5-2011

CD CODE						
3	6	6	7	7	0	2

Local educational agency: Etiwanda Elementary School District	Contact name and Title: Doug Claflin, Assistant Superintendent Business Services	Contact person's e-mail address: doug_claflin@etiwanda.org
Address: (City) (State) (ZIP) 6061 East Avenue, Etiwanda, CA 91739		Phone (and extension, if necessary): (909) 803-3124 Fax number: (909) 803-3022
Period of request: (month/day/year) From: 7-1-12 To: 6-29-14	Local board approval date: (Required) February 9, 2012	

LEGAL CRITERIA

1. Authority for the waiver: EC Specific code section: 41376(a), (c), and (d) and 41378(a) through (e).
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: (number) 41376 (a), (c) & (d)
41378 (a) through (e)
Circle One: EC or *CCR*

Brief Description of the topic of the waiver: Waiver of the class size penalty for exceeding the following parameters:
Kindergarten: Average class size not to exceed 31 students; no class larger than 33 students.
Grades 1-3: Average class size not to exceed 30 students; no class larger than 32 students.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: 28-5-2011 and date of SBE approval September 8, 2011. Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 18, 2012

Name of bargaining units and representative(s) consulted:
Etiwanda Teachers Association (ETA), Sonya Scott, ETA President

The position(s) of the bargaining unit(s): X Neutral _ _ Support ___ Oppose (*Please specify why*)

Comments (if appropriate): No comment.

5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Committee (DAC)

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: January 31, 2012

XX_ Approve _ __ Neutral __ _ Oppose

Were there any objection? Yes ___ No XX (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION
SPECIFIC WAIVER REQUEST
SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (~~a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a~~) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   The district requests a waiver to increase the average and maximum class sizes per: EC 41376(a), (c) and (d) and 41378 (a) through (e) to the following:

   Kindergarten through Grade 3, District average class size not to exceed 32 students and no class is larger than 33 students.

   Without the waiver, the district may be required to move students to another class, hire new teachers late in the academic year or create combination classes to ensure the average and maximum class size is not exceeded. This is not in the best interest of the student, staff, nor the integrity of the instructional program and is not fiscally prudent based on the current economic situation.

   Etiwanda School District has worked to enhance and strengthen core academic programs for our students. The District has been forced to make difficult budget decisions while balancing our student's need for strong early grade reading and math programs. Additional funding reductions imposed due to class-size penalties are estimated to be $ 286,055 for grades 1-3 annually. This loss of revenue would result in further impact to our classrooms resulting in reductions that reach the core academic programs such as reading, mathematics, and science. Etiwanda's goal is to continue our momentum towards increased academic achievement, and it is our hope that additional revenue reductions due to class-size penalties will not occur.

8. Demographic Information:
   (District/school/program) Etiwanda Elementary School District has a student population of 13,062 and is located in the cities of Rancho Cucamonga and Fontana (*urban, rural, or small city etc.)* in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) X No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	5	0	6

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Fullerton School District	**Mark L. Douglas** **Asst. Superintendent, Personnel Svcs.**	**mark_douglas@fsd.k12.ca.us**

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
1401 W. Valencia Drive, Fullerton, CA 92833	**(714) 447-7450** Fax number: **(714) 447-7538**

Period of request: (month/day/year)	Local board approval date: (Required)
From: **07/01/2012** To: **06/30/14**	**February 7, 2012**

LEGAL CRITERIA

1. Authority for the waiver: **Ed Code 41378** Specific code section: **41376 (a), (c), and (d)**
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

SEE ATTACHED.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: (number) **41376 (a), (c), and (d)** Circle One: *EC* or *CCR*

Brief Description of the topic of the waiver: **Waiving class size ratios for grades one through three.**

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: **76-2-2010-WC-4** and date of SBE approval **May 6, 2010.**
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _**X**_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **December 6, 2011 and January 24, 2012**

Name of bargaining units and representative(s) consulted **Fullerton Elementary Teachers Association (FETA), Carla Turner, President and Stacy Hollenbeck, Lead Negotiator and California Schools Employees Association (CSEA), Al Lacuesta, President, Chapter 130 and Carol Kerns, Vice President, Chapter 130**

The position(s) of the bargaining unit(s): ___ Neutral __**X**_ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: **Fullerton School District's Budget Advisory Committee**
Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: **January 25, 2012**

_**X**__ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No __**X**_ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

   EC to be waived (see attached)

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   The current required class size for Fullerton School District is set by regulations established in the late 1980's and by union agreement at 29.9. The Fullerton Elementary Teachers Association (FETA) has agreed to adjust their standards to help relieve current budgetary needs; however, state waivers will be necessary to make adjustments District-wide. Current practice of staffing formulas forces the District to maintain a higher number of staffing units so the average is not breached. Fluctuations in ADA have required two to eight extra staffing units to avoid breaching Education Code and District caps. The additional staffing increases budgeted costs by $150,000 to $600,000.

   The District is attempting to resolve a potential budget deficit of $12-$36 million dollars and the flexibility in the waiver will allow, through negotiations, the overstaffing outlined above as well as moving towards higher class sizes at all grades for the period of the financial crisis. Every adjustment in the class size by one student allows for approximately an $800,000 savings. We are requesting that the previously approved waiver for class size ratios of 33:1 be extended for two years through July 2014.

5. Demographic Information:
   (*District/school/program)* **Fullerton School District** has a student population of **13,650** and is located in an **urban** (*urban, rural, or small city etc.)* in **Orange** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) **_X_** No **__** Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? **_X_** No **__** Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: **Superintendent**	Date: **February 8, 2012**
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Fullerton School District
Specific Waiver Request (Grades 1 – 3)
Attachment

QUESTIONS 1:

The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.

(b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).

(c) The total number of pupils by which the average class size in the district exceeds 31.

(d) The greater number of pupils as determined in (b) or (c) above.

(e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

QUESTION 6:

41736 (a) (c) and (d). The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.~~

~~For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district~~

~~change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant tosubdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular school day. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular school day.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during
the day larger than the standard set forth in this section.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	7	6	8	1	9	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
La Mesa-Spring Valley School District	David Yoshihara Asst. Supt, Bus. Svcs.	David.yoshihara@lmsvsd.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
4750 Date Ave	La Mesa	CA	91942	619-668-5700 x 6392 Fax number: 619-668-8332

Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1, 2011 To: June 29, 2013	February 7, 2012

LEGAL CRITERIA

1. Authority for the waiver: EC Specific code section: 41382
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

EC 41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376,41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: (number) Circle One: (*EC*) or *CCR*
41376
Brief Description of the topic of the waiver: Waiver of the class size penalty for exceeding the following parameter: GRADES 1-3: Average class size not to exceed 30 students; no class larger than 32 students.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _N/A___ and date of SBE approval _____
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): LMSVTA on January 11, 2012 and CSEA on January 18, 2012

Name of bargaining units and representative(s) consulted: La Mesa Spring Valley Teachers Association
Bargaining Team: Chair, Byron Lindsay, et al.
California School Employees Association Bargaining Team

The position(s) of the bargaining unit(s): ___ Neutral _X_ Support ___ Oppose (*Please specify why*)

Comments (if appropriate): The bargaining unit, through the attached and initialed Exhibit A, states "The Association through its authority fully accepts and adopts a position of support for the class size waiver."

5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Council (January 10, 2012)

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request. Date advisory committee/council reviewed request:

_X_ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _X_ (If there were objections please specify)

Please see the minutes as per Exhibit B showing support of the waiver.

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

41376 (a)(c) and (d). The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

~~(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.~~

~~For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of

Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

The District requests a waiver to temporarily increase class size in grades 1-3 in order to reduce expenditures. The District faces continuous, severe fiscal challenges from over a decade of declining enrollment; a lower than average revenue limit and persistent State funding reductions. The District has done everything possible to maintain reasonable class sizes but due to the lack of funding, we are forced to increase class size to avoid more programmatic cuts and layoffs. The staffing cost savings from a temporary increase in class sizes is critical to remain solvent. The District is requesting to increase the maximum individual class size to 33 students and to increase the average class size to 31 students for grades 1-3.

8. Demographic Information:
(District/school/program) La Mesa-Spring Valley School District has a student population of 12,313 and is located in the city of La Mesa and unincorporated area of Spring Valley in San Diego County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _X_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver) N/A		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	2	1

Local educational agency: **Orange Unified School District**	Contact name and Title: **Michael L. Christensen** **Superintendent of Schools**	Contact person's e-mail address: **mikec@orangeusd.org**
Address: **1401 N. Handy** (City) **Orange,** (State) **CA** (ZIP) **92867**		Phone (and extension, if necessary): **(714) 628-4533** Fax number: **(714) 628-4041**
Period of request: (month/day/year) **Prospectively** **From: July 1, 2012 To: June 30, 2014**	Local board approval date: (Required) **January 19, 2012**	

LEGAL CRITERIA

1. Authority for the waiver: **EC 41382** Specific code section: **EC 41376**
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: **41376 (a),(c) and (d)** Circle One: ***EC*** or *CCR*

Brief Description of the topic of the waiver: **RENEWAL Waiver of class size penalty for district and/or statewide average (30:1) number of pupils per teacher in grades 1-3. The District's class size average in grade 1-3 will be the maximum under the Ed. Code of 33:1.**

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: **3-3-2010-W-2**
Date of SBE approval: May 6, 2010 Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires. **Attachment A**

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _**X**_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **OUEA – January 9, 2012**

Name of bargaining units and representative(s) consulted: **Orange Unified Education Association (OUEA)**
Dave Brown, Executive Director /Whitney Amsbary, President

The position(s) of the bargaining unit(s): **X** Neutral ___ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: **The District Site Council Meeting held on Jan. 17, 2012**

Were there any objection(s)? No ___ Yes X (*If there were objections please specify)*
Please see attachment B

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

   Please see Attachment C

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)
   The District is requesting renewal of this specific waiver request to continue the temporarily increase of class size in grades 1-3 in order to reduce expenditures. The budget crisis and resulting revenue reductions to the Orange Unified School District has caused the District's 2012-13 and 2013-14 anticipated expenditures to exceed revenues by approximately $14.7M and $20M respectively. The District would save an additional $1,900,000 by increasing the average class size in grades 1-3 to 33 students. The District is requesting that Ed Code Section 41376(a), (c) and (d) and its associated penalty be waived in order to increase class sizes until additional revenues are available. This waiver would end on June 30, 2014 at which time it is anticipated that the District would be in a better position to afford the lower class sizes. Should the State Board approve the waiver, the District would still have to negotiate the larger class sizes with the teachers union since class size maximums are listed in the contract. The District must first obtain the waiver in order to negotiate the larger class size, due to the fact that bargaining against Ed Code is prohibited.

8. Demographic Information:
   The Orange Unified School District has a student population of 30,030 and is located in an urban city in Orange County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) **X** No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: **Michael L. Christensen, Superintendent of Schools**	Date: **January 19, 2012**
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

2. A statement is required on the impact on student learning particularly in the core subjects such as reading and mathematics if the wavier is not approved. Please email this statement in a separate word document.

The Orange Unified School District has made significant achievement gains in the 2010-11 school year. That year the district API increased 17 points from 806 to 823. This was the largest gain of any K-12 Unified School District in Orange County. In addition, seven of the eleven elementary Title 1/ Program improvement schools meet all the Federal Adequate Yearly Progress (AYP) targets for student learning. These gains were significant for all subgroups in both Reading and Language Arts and Mathematics across the district.

Orange Unified has been investing in continuous improvement and a focus on instructional practices and student achievement data. The teacher collaboration and professional development plans for the district would be significantly altered if the waiver were not approved, as many of the current professional development support for teachers would be cut. The investment in collaboration and focus on the instructional practices would be disrupted if we had to re-align class sizes once again when teachers are currently adjusting thought meaningful collaboration to the current configuration.

In addition, the Orange Unified School District Curriculum Council recommended the purchase of a Common Core Aligned Mathematics Program K-6 (Pearson EnVision). These purchases would need to be suspended if additional teachers would be hired, therefore impacting the district's ability to train teachers in the Common Core for Mathematics, a requirement of Correction Action 6 of Program Improvement.

As a Program Improvement District Year 3, Orange Unified is serious about teacher efficacy and teacher professional development in sustaining meaningful student learning. In 2010-11, site teams were trained in Response to Intervention/Instruction (RtI2). This focus on the needs of all children and the use of the cycle of effective instruction has enabled program improvement professional development plans to be expanded and supported universally throughout the district.

The loss of additional funding to support current teachers would be very disruptive to professional learning communities on each campus and the district plans to implement the Common Core State Standards (CCSS) in Mathematics and English Language Arts.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	3	6	7	2	3	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Romoland School District	Hilda Swain Chief Business Official	hswain@romoland.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
25900 Leon Rd	Homeland	CA	92548	951-926-9244 Fax number: 951-926-2170

Period of request: (month/day/year)	Local board approval date: (Required)
From: 7/1/12 To: 6/30/14	2/14/12

LEGAL CRITERIA

1. Authority for the waiver: 41382 Specific code section:
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

See Attached.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: (number) 41378 & 41376 (a), (c), (d) Circle One: ***EC*** or *CCR*

Brief Description of the topic of the waiver: Asks for the authority to waive both the average class size as well as the individual class size for K – 3 classes.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: _____ and date of SBE approval _____
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Romoland Teachers Association 1/11/2012

Name of bargaining units and representative(s) consulted: Romoland Teachers Association Jay Greenberg, President

The position(s) of the bargaining unit(s): __X_ Neutral ___ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: Mesa View Elementary School Site Council and Harvest Valley Elementary School Site Council.

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: Harvest Valley, 2/9/12 and Mesa View, 2/7/12

___ Approve __X_ Neutral ___ Oppose

Were there any objection? Yes ___ No ___ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

   See Attached.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)
   The Romoland School District is requesting a waiver of class size penalties in an effort to resolve a budget deficit over $1.3 million. The District is attempting to create as many viable options to resolve the fiscal crisis. One option is to increase class size ratios across the district.

8. Demographic Information:
   Romoland School District has a student population of 3,036 and is located in a small rural city in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) _X_ No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? _**X**_ No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

The Romoland Teachers Association has taken a neutral stance on the class size waivers for QEIA, grades Kindergarten to Third and grades Fourth to Eighth.

It is our belief as an Association that the needs of our students are best served in classrooms with a lower class size, so that the academic needs of the students can be addressed. The greater the amount of students in a classroom limits the ability of a teacher to provide an excellent educational experience, while having to focus more on the classroom management of a larger group of students.

Unfortunately, we also realize that in this time of fiscal uncertainty, it is very difficult to prepare for all of the contingencies a school year may bring, such as a decrease in ADA. In light of this, the Association understands the necessity of the class size waivers, as the District administration begins its planning for the 2012 to 2013 school year. This will allow for a gradual increase of class size, while maintaining our educational programs and highly qualified staff.

Jay B. Greenberg
President, Romoland Teachers Association CTA/NEA

SPECIFIC WAIVER REQUEST for CLASS SIZE GRADES K-3

#1 Write the EC Section citation, which allows you to request, or authorizes the waiver of the specific EC Section you want to waive:

EC 41382. The principal of any elementary school maintaining Kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provision of Section 41376, 41378 or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

#6 Education Code or California Code of Regulations section to be waived:

41376 (a),(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) ~~For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full time equivalent classroom teachers, and the average number of pupils per each full time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner; (1) Determine the number of pupils by which the average number of pupils per each full time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full time equivalent

classroom teacher which existed in the district on either October 30, 1964, or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c~~) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~ (e) if the school district reports that is has maintained during the current fiscal year no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven (0.97) and shall multiply the product so obtained by the ratio of state-wide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of section 41601 by the resulting product.

EC 41378. The superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a) ~~The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: __
Renewal Waiver: _X_

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	7	5	0	6	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Upland Unified School District	Linda Kaminski, Ed.D. Assistant Supt. Educational Services	Linda_Kaminski@upland.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
390 N. Euclid Ave	Upland	CA	91786	909-985-1864 ext 223 Fax number: 909- 931-4616

Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1 2012 To: June 28, 2014	1-17-2012

LEGAL CRITERIA

1. Authority for the waiver: _EC__ Specific code section: 41382
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive
The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improv instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adopti of such resolution, the governing board shall make application to the State Board of Education on behalf of the school fo an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: EC 41376 (a)(c) and (d) and EC41378 (a) through (e) Circle One: (*EC*) or *CCR*

Brief Description of the topic of the waiver: Waive Class Size Penalty for exceeding the statewide average of 30 students per teacher in grades 1-3 and no class may have more than 32 students and also Waive Class Size Penalty for exceeding the statewide average of 31 students and no class may have more than 33 students for Kindergarten.

Upland Unified is submitting this waiver to request that no class be larger than 35 students maximum for grades Kindergarten to Grade 3 and the average class size not to exceed 32 students.

3. If this is a renewal of a previously approved waiver**,** please list Waiver No:18-10-2010-W-3and date of SBE approval 2-10-11
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 11-16-11

Name of bargaining units and representative(s) consulted: Upland Teachers association - John Glenn - President

The position(s) of the bargaining unit(s): ___ Neutral _X__ Support ___ Oppose (*Please specify why*)

Comments (if appropriate):

5. Advisory committee or school site council that reviewed the waiver. Name: District Advisory Committee.

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request. Date advisory committee/council reviewed request: 2/22/12

_X__ Approve ___ Neutral ___ Oppose

Were there any objection? Yes ___ No _X__ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

5. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

See Attachment # 1

6. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

See Attachment # 2

7. Demographic Information:
Upland Unified School District has a student population of 11,927 and is located in the city of Upland in San Bernardino County

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) X No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title:	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Upland Unified School District
Specific Waiver Request Attachment

Application Section 6 – Education Code to be Waived – Class Size Penalty (Grades 1-3)

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (~~a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

Class Size Penalty (Grade Kindergarten)

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a~~) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

Application Section 7 – Desired Outcome/Rationale

The District requests a waiver to increase the average of students from the current 30 to **32** students for **grades 1-3** with no class larger than **35**. The District requests a waiver to increase the average of students from the current 31 to **32** students for **Kindergarten** with no class larger than **35**.

Upland Unified School District has been able to manage its financial responsibility by developing a budget that has managed to keep the district solvent and at the same time continue to provide a sound educational program. In the 2008-09 - 2010-11 school year the district saw a shortfall of $19 million in revenues but was able to submit to the state a balanced budget. For 2010-11 school year, the Upland Unified School District with the assistance of the **Upland Teachers Association agreed to class size of 29:1 for grade K-3 and 31:1 for grades 4-12**. It is the intent of the Upland Unified School District to maintain these class ratios. However the waiver asks for a little more and the district will have to negotiate after the waiver is granted if the higher level is needed.

It is also the desire to keep students in their home school. However, due to the attendance fluctuation at sites, we are faced with classes that might not meet the maximum number of students allowable for K-3. The District is requesting flexibility in an attempt to save as much money as possible in an effort to remain solvent and address possible revenue loss.

Despite the recent budget reductions of $19 million, in 2010-11 the Academic Performance Index of the Upland Unified School District was 807. CST test data indicates that we are making progress closing the achievement gap. Of the ten elementary schools, eight of them have an API above 800 with two schools at 900 or above. This year, two schools have been asked to apply for the California Distinguished School Program. One is a previous California Distinguished School and if the other is chosen, Upland Unified School District will have nine of its ten elementary schools identified as a California Distinguished School.

The Upland Unified School District continues to work diligently to ensure that students are provided with the essential core academic program. In addition, the Upland Unified School District is also committed to making sure that students have a rich educational experience and has decided to continue with the music and physical education programs. Upland Unified School District has made great strides in programs serving English Language Learners and Students with Disabilities in the areas of English Language Arts, mathematics and reading. The waiver is essential in maintaining our core instructional programs in English Language Arts and mathematics. If the waiver is not granted the financial penalties of approximately $979,000 would compromise the District's ability to provide an effective educational program.

This waiver is necessary to protect the instructional integrity of the mathematics, reading and other educational program and help achieve fiscal solvency but not at the expense of improved student achievement.

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	9	1	8

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Victor Elementary School District	Debbie Betts, Director of Fiscal Services	dbetts@vesd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
15579 Eighth Street	Victorville	CA	92395	(760) 245-1691 x220 Fax number: (760) 245-4785

Period of request: (month/day/year)	Local board approval date: (Required)
From: 7/1/2012 To: 6/30/2014	February 8, 2012

LEGAL CRITERIA

1. Authority for the waiver: *Education Code* Specific code section: 41382

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: 41376 (a) through (e) and 41378 (b),(c) Circle One: (*EC*) or *CCR*

Brief Description of the topic of the waiver: To waive Class Size Penalty for Kindergarten EC 41378 (a) through (e)
To waive Class Size Penalty for Grades 1-3 EC 41376 (a), (c) and (d)

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: 4-7-2010-W-3 and date of SBE approval November 10, 2010. Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Name of bargaining units and representative(s) consulted:

Bargaining unit(s):	Date Consulted	Representative Name	Support/Oppose
Victor Elementary Teacher's Assocation (VETA)	Feb 1, 2012	Nancee Fine, President	Neutral
California School Employees Association (CSEA)	Feb 2, 2012	John Mickle, President	Support

5. Advisory committee or school site council that reviewed the waiver. Name: __(DAC)_District Advisory Council____

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request.
Date advisory committee/council reviewed request: Feb 3, 2012

_X_Approve ___ Neutral ___ Oppose

Were there any objections? Yes ___ No _X_ (If there were objections please specify)

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

   Please refer to attachment #1.

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

   The District requests a waiver to increase the District-wide average of pupils per each full-time equivalent (FTE) teacher from the current 31 per FTE for Kindergarten and 30 per FTE for Grades 1-3 to 33 per FTE for grades K-3. The waiver is necessary to help achieve fiscal solvency but not at the expense of improved student achievement. In light of the current statewide budget crises this additional staffing has a detrimental effect on the District's operations and ability to provide necessary services.

   The District is responding to the fiscal challenges and is working on a plan to eliminate deficit spending by 2014/2015.

   Even though there are fiscal challenges, student performance continues to improve.

   Please note:

   1. Our District API is 813, which is in the top ten of 33 districts in our county.
   2. We have 2 schools over 900 API and 8 of our schools over 800 API. The remaining schools are over 700 API.
   3. The District will continue to be a high performing District despite the financial crisis.

8. Demographic Information:
   Victor Elementary School District has a student population of approximately 11,000 and is located in a small city of Victorville in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) X No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee: _____	Title: Superintendent	Date: _____
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment #1

To waive Class Size Penalty for Kindergarten EC 41378 (a),(b),(c),(d) and (e)

EC 41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes. (a~~) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class. (b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33). (c) The total number of pupils by which the average class size in the district exceeds 31. (d) The greater number of pupils as determined in (b) or (c) above. (e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

To waive Class Size Penalty for Grades 1-3 EC 41376 (a), (c) and (d)

EC 41376 (a)(c) and (d) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (~~a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~ (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. ~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

Victor Elementary
School District
Learning for All .... Whatever it Takes

Attachment #2

February 22, 2012

Christine Gordon, Education Programs Consultant
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Re: Statement of Impact

Dear Christine,

Victor Elementary School District has remained determined to provide essential core academic programs to our students by using all available resources to maintain as many teacher jobs and student programs as possible. With staffing reductions made due to the current fiscal crisis, the imposition of financial penalties for exceeding class-size requirements would have a detrimental affect on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics.

Denial of these waiver renewals would compromise the District's ability to develop more effective educational programs to continue to fully serve the needs of our students. Every school within Victor Elementary School District is Title I. Our District API is 813, with 2 schools over 900. These waivers are essential to our efforts of continued improvement of core instructional programs and services for all Victor Elementary students.

Sincerely,

Debbie Betts
Director of Fiscal Services

CALIFORNIA DEPARTMENT OF EDUCATION

SPECIFIC WAIVER REQUEST

SW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __
Renewal Waiver: _x_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
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Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Willows Unified School District	Betty Skala, Director of Business Services	bskala@willowsunified.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
823 W. Laurel Street	Willows	CA	95988	530-934-6600, ext 5 Fax number: 530-934-6609

Period of request: (month/day/year)	Local board approval date: (Required)
From: July 1, 2012 To: June 30, 2014	02/02/2012

LEGAL CRITERIA

1. Authority for the waiver: **ED Code 41382** Specific code section: **41376 through 41382**
Write the *EC* Section citation, which allows you to request, or authorizes the waiver of the specific *EC* Section you want to waive.

See Attachment #1 (Authority for the Waiver)

2. *Education Code* or *California Code of Regulations* or portion to be waived.
Section to be waived: **41376, a, c, d & 41378, a, b, c, d, e** Circle One: ***EC*** or *CCR*

Brief Description of the topic of the waiver:
Waive class size penalty for exceeding the statewide district average of 30 pupils per teacher in grades 1-3 (EC Section 41376) and any class enrollment over 33 or average enrollment exceeds 31 for kindergarten (EC section 41378)

3. If this is a renewal of a previously approved waiver**,** please list Waiver No: 15-6-2010-W-16 and date of SBE approval 9/16/2010
Renewals of Waivers must be approved by the local board and submitted two months before the active waiver expires.

4. Collective bargaining unit information. (Not necessary for *EC* 56101 waivers)

Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 01-12-2012

Name of bargaining units and representative(s) consulted: Willows Unified Teachers Association/Teresa Wood & CSEA/Karen Hansen & Linda Ell.

The position(s) of the bargaining unit(s): _x__ Neutral ___ Support ___ Oppose (*Please specify why*)

Comments (if appropriate): **See Attachment #1 (Collective Bargaining Unit Information)**

5. Advisory committee or school site council that reviewed the waiver. Name: Murdock Elementary School Site Council

Per *EC* 33051(a) if the waiver affects a program that requires a school site council that council must **approve** the request. Date advisory committee/council reviewed request: 01-11-2012

___ Approve _x__ Neutral ___ Oppose

Were there any objection? Yes ___ No _x__ (If there were objections please specify**)** **See Attachment #1 (Advisory Committee/School Site Council)**

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (or use a **strike out key** if only portions of sections are to be waived). (Attach additional pages if necessary.)

See Attachment #1 (Education Code section to be waived)

7. Desired outcome/rationale. State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (Attach additional pages if necessary.)

See Attachment #1 (Desired outcome/rationale)

8. Demographic Information:
Willows Unified School District has a student population of 1,506 and is located in a rural community *in* Glenn County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) X No __ Yes
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? X No __ Yes
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date:
Signature of SELPA Director (only if a Special Education Waiver)		Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Willows Unified School District

#1 Attachment – Application Section 1 – Authority for the waiver

EC 41382 – The principal of any elementary school maintaining Kindergarten classes or regular day classes in grades 1-3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378 or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendations, or the adoption of such resolution, the governing board shall make application to the State Board of Education on behalf of the school for an exemption for such classes from the specified provisions. The State Board of Education shall grant the application if it finds that the specified provisions of Section 41376, 41378 or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provisions of such sections.

#1 Attachment – Application Section 4 – Collective Bargaining Unit Information

No opposition. WUTA/CSEA indicated they could not take a position on this issue at this time and indicated a neutral position. Question was how would this benefit? The response was due to our financial situation, to avoid penalties and the need to increase class size, benefits the district's bottom-line, therefore benefits all employees of the district and helps the district address the Governor's proposed triggers.

#1 Attachment – Application Section 5 – Advisory Committee/School Site Council

No objections. However, the following comments were made: They indicated they are neutral and may not agree with larger class sizes, but understand the financial situation that the district faces. They do not want to see penalties that would ultimately impact the district, resulting in greater losses of resources to serve the educational needs of the students. Felt that class sizes over 20-25 are not serving the best interest of the children. Some indicated that the district could make different decisions to avoid being in this position.

Education Code Section to be waived.

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(~~a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.~~

~~For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

~~(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular school day. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular school day.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

41378 The superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

~~(a) The number of pupils enrolled in each kindergarten classes, the total enrollment in all such classes, and the average number of pupils enrolled per class.~~

~~(b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).~~

~~(c) The total number of pupils by which the average class size in the district exceeds 31.~~

~~(d) The greater number of pupils as determined in (b) or (c) above.~~

~~(e) He shall compute the product pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

#1 Attachment – Application Section 7 – Desired Outcome/Rational

Willows Unified School District is in need of larger class sizes due to the shortfall in revenues that are up to approximately 19.754% coupled with increased annual costs inherent in the

operations of a school district. Further loss of revenue resources because of penalties without a wavier will result in further reducing our revenue limit funding. This additional loss of revenues would result in an equal amount of loss in our ability to provide supplemental reading, mathematics and other educational supplies and/or supportive services directly to the classroom within our current financial constraints. We have in the past several years cut over $3.7 million from our budget in response to the revenue reductions imposed by loss of funding. Solvency will continue to be problematic for the district as the State of California continues to struggle financially. Our options for local solvency continue to be reduction in school days, larger class size and elimination of programs including, but not limited to, reading and mathematics programs. We have also been facing declining enrollment with students leaving our rural area for locations outside of our county. Our district resides in a rural farming community lacking employment opportunities, and with the uncertainty of our local economy in conjunction with the state's situation, faces possible further reductions in enrollment as families leave the area to seek employment elsewhere. Having this temporary flexibility regarding class size can help the district address specific local and economic conditions. It will also give us the time over the next two years to reassess our fiscal position to lower class sizes.

We are seeking the class size penalty in grades one through three be waived provided that the overall average is not larger than 33 to one and no class is larger than 35 to one. The waiver is for fiscal years 2012-13 and 2013-14.

We are seeking that the class size penalty in kindergarten be waived provided that the overall average is not larger than 33 to one or no class is larger than 35 to one. The waiver is for fiscal years 2012-13 and 2013-14.

Willows Unified School District, despite increased class size will continue to stress academic achievement, and support of our educational responsibilities will remain as our primary objective and goal supporting our mission **Preparing Today's Students for Tomorrow's Challenges** and we are committed to providing a safe, enriched, student-centered learning environment where all our students can:

- realize their full academic potential,
- develop respect and tolerance for themselves and others, and
- become involved, responsible citizens"

ITEM #W-29

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by nine districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. Waiver Numbers: Berryessa Union Elementary School District 107-2-2012 Central Elementary School District 121-2-2012 Fullerton Elementary School District 87-2-2012 Hemet Unified School District 65-1-2012 Orange Unified School District 93-2-2012 Romoland Elementary School District 126-2-2012 Upland Unified School District 151-2-2012 Victor Elementary School District 134-2-2012 Willows Unified School District 46-1-2012	☒ Action ☒ Consent

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (Department) recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of *EC* Section 41376, which relates to class size penalties for grades four through eight that reduce a district's revenue limit funding. A class size penalty is assessed for grades

SUMMARY OF KEY ISSUES (Cont.)

four through eight if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.

The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty, should the district increase the class size average without a waiver, is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (3 pages)

Attachment 2: Berryessa Union Elementary School District General Waiver Request (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Central Elementary School District General Waiver Request (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Fullerton Elementary School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Hemet Unified School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 6: Orange Unified School District General Waiver Request (8 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Romoland Elementary School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 8: Upland Unified School District General Waiver Request (4 pages) (Original waiver request is signed and on file in Waiver Office.)

Attachment 9: Victor Elementary School District General Waiver Request (4 pages) (Original waiver request is signed and on file in the SBE Office or the Waiver Office.)

Attachment 10: Willows Unified School District General Waiver Request (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Grades 4-8 Class Size Penalty Waivers

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Requested Class Size Average	CDE Recommended Class Size Average (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waiver and Period of Request
107-2-2012	Berryessa Union Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	29.9	32	32	California Teachers Association of Berryessa, Maria Smith, President, 1/27/12 **Neutral**	February 14, 2012	Beryessa District Advisory Committee, 1/12/12 **No Objections**	$1,720,926 each year	Positive	Yes 7/1/10 to 6/29/12
121-2-2012	Central Elementary School District	**Requested:** July 1, 2012 to June 29, 2012 **Recommended:** July 1, 2012 to June 29, 2014	29.9	32	32	California Schools Employees Association, Patty Espinoza, President and Central Teachers Organization, Eileen Keilty, President, 2/9/12 **Support**	February 16, 2012	District Advisory Committee, District English Language Advisory Committee, 2/9/12 **No Objections**	$916,905 each year	Positive	Yes 7/1/10 to 6/29/12
87-2-2012	Fullerton Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	29.9	34	34	Fullerton Elementary Teachers Association, Karla Turner, President, 12/6/11, California Schools Employees Association, Al Lacuesta, President, 11/24/12 **Support**	February 7, 2012	Budget Advisory Committee, 1/25/12 **No Objections**	$4,158,077 each year	Qualified	Yes 7/1/10 to 6/29/12

65-1-2012	Hemet Unified School District	**Requested**: July 1, 2012 to June 30, 2013 **Recommended:** July 1, 2012 to June 29, 2013	29.9	34	34	Hemet Teachers Association, James Brigham, President, 2/1/12 **Neutral**	February 7, 2012	District Advisory Committee, 1/26/12 **No Objections**	$6,565,373 FY 2012-2013	Positive	Yes 7/1/11 to 6/30/12
93-2-2012	Orange Unified School District	**Requested:** July 1, 2012 to June 29, 2014 **Recommended:** July 1, 2012 to June 29, 2014	29.9	33	33	Orange Unified Education Association, Dave Brown, Executive Director, and Whitney Amsbary, President, 1/9/12 **Neutral**	January 19, 2012	District Site Council, 1/17/12 **Objections District Advisory Committee. Approval - 13, Neurtral-1, and Opposed-3**	$4,632,681 each year	Positive	Yes 7/1/10 to 6/29/12
126-2-2012	Romoland Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	33	35	35	Romoland Teachers Association, Jay Greenberg, President, 1/11/12 **Neutral**	February 14, 2012	School Site Councils, 2/1/12, 2/7/12, and 2/9/12 **No Objections**	$335,245 each year	Positive	No
151-2-2012	Upland Unified School District	**Requested**: July 1, 2012 to June 28, 2014 **Recommended:** July 1, 2012 to June 29, 2014	29.9	32	32	Upland Teachers Association, John Glenn, President, 11/16/11 **Support**	January 17, 2012	District Advisory Committee, 2/22/12 **No Objections**	$1,841,332 each year	Positive	Yes 7/1/10 to 6/29/12

134-2-2012	Victor Elementary School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	31.6	33	33	Victor Elementary Teachers Association, Nancee Fine, President, 2/1/12 **Opposed position changed to Neutral per Nancee Fine, President 3-19-12** California School Employees Association, John Mickle, President, 2/2/12 **Support**	February 8, 2012	District Advisory Council, 2/3/12 **No Objections**	$1,109,604 each year	Qualified	Yes 7/1/10 to 6/29/12
46-1-2012	Willows Unified School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	29.9	33	33	Willows Unified Teachers Association, Teresa Woods, Negotiation Chairperson; California School Employees Association, Karen Hansen, President, 1/12/12 **Neutral**	February 2, 2012	Willows Intermediate School Site Council, 1/26112 **No Objections**	$205,638 each year	Positive	No

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: __X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	3	6	9	3	7	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Berryessa Union Elementary School District	Pamela Becker Assistant Superintendent, Business Svcs	Pam.becker@busd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1376 Piedmont Rd.	San Jose	CA	95132	408-923-1861 Fax Number: 408-259-3869

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/01/2012 To: 06/30/2014	02/14/2012	02/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 Circle One: *EC* or *CCR*

Topic of the waiver: 4-8 Class Size Penalty

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 24-5-2010-WC-7 and date of SBE Approval___August 2, 2010___
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 27, 2012 Maria Smith, President
Name of bargaining unit and representative(s) consulted – California Teachers Association of Berryessa (CTAB)
The position(s) of the bargaining unit(s): __X Neutral __ Support __ Oppose (*Please specify why)*.
Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X __ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Berryessa District Advisory Committee
Date the committee/council reviewed the waiver request: January 12, 2012

Were there any objection(s)? No _ x_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

The district requests a waiver of subdivisions (b) through (e) of the California Education Code Section 41376.

See Attachment A for text.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see Attachment B

8. Demographic Information:
Berryessa Union Elementary School District has a student population of 8,310 and is located in San Jose (urban) in Santa Clara County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: February 15, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Berryessa Union School District

ATTACHEMENT A

Item 6:

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

Berryessa Union School District

General Waiver Request
Request for Waiver of Education Code Section 41376

ATTACHMENT B

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The desired outcome is for the California State Board of Education to waive the requested section of the California Education Code to allow the district the ability to continue its increase in class size from 29.5 students per teacher to a ratio of 32:1 in grades 4-8. The request is being made to allow us to continue to exceed the 29.9 student to teacher ratio that existed in 1964 and waive current law restricting class size to 30:1 in these grades.

The request is being made to allow the continuation of the increase in class size in grades 4 – 8 and to allow negotiations to proceed with the district's teacher association, California Teachers Association – Berryessa (CTAB) to maintain existing class sizes. By not allowing the district to continue with class size in grades 4-8 to 32:1, the result would cause the district to incur additional expense without additional revenues and would further exacerbate the current fiscal crisis that exists statewide and in our district. In addition, without this continued relief from current state limits, the district will be placed in a position to reduce support for core programs, reduce the school year for students, including a reduction in instructional minutes, electives, and support for underachieving students and after school programs for students in grades 4-8.

The continued savings of maintaining this marginally larger class size is currently estimated at $700,000. To make reductions of this amount to other programs, support for students, programming for our EL students and elective programs such as music and the arts, would have a much more devastating impact on the district than the marginal impact of increasing class size. It is that trade off that motivates the district to work with CTAB to agree to continue the larger class size at these grade levels. The limited term of the waiver ensures that the district and union review this increase as school financing improves and the district can both reduce class size and maintain the programs and support required to ensure student success long term.

The Berryessa Union School District is a high performing district with an API score of 821 and a five year history of significantly improved performance districtwide and within each sub-group. Research and long term performance support that this change and will not impact the on-going growth students make while in these grades in our district.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	6	4	5

Local educational agency: Central School District	Contact name and Title: Lori Isom, Assistant Superintendent, Business Services	Contact person's e-mail address: lisom@csd.k12.ca.us
Address: (City) (State) (ZIP) 10601 Church Street, #112, Rancho Cucamonga, CA 91730		Phone (and extension, if necessary): 909-989-8541 Fax Number: 909-941-1732
Period of request: (month/day/year) From: 7/1/12 To: 6/29/14	Local board approval date: (Required) February 16, 2012	Date of public hearing: (Required) February 16, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 41376(b) and (e) Circle One: *EC* or *CCR*

Topic of the waiver: Waiver of 4th – 8th Grade Class Size Limits

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 28-5-2010-WC-8 and date of SBE Approval July 15, 2010
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): CSEA – 2/9/12 ; CTO – 2/9/12

Name of bargaining unit and representative(s) consulted: California Schools Employees Association, Patty Espinoza; School Office Manager; Central Teachers Organization, Eileen Keilty, Teacher

The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: District Advisory Committee (DAC)/District English Language Advisory Committee (DELAC), Ms. Tiffany Lawrence (DAC); Mr. Dan Lewis (DAC); Ms. Rosey Regalado (DELAC)
Date the committee/council reviewed the waiver request: 2/9/12

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attached

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attached

8. Demographic Information:
   Central School District has a student population of 4,782 and is located in the city of Rancho Cucamonga in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
/s/ Donna L. Libutti	Superintendent	February 16, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CDCode 3667645
Waiver fGrades 4-8 Class Size Penalty

ATTACHMENT A

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~

~~(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~

~~(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.~~

~~(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.~~

~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance~~ to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

GENERAL WAIVER REQUEST
Central School District
CD Code 3667645
Waiver of Grades 4-8 Class Size Penalty

Item #7:

The District requests a waiver to increase the District-wide average number of pupils per each full-time equivalent (FTE) teacher from the current 29.9 per FTE (per EC 41376) to 32 per FTE.

The current required average of 29.9 per FTE is lower than the average desired per the Central Teachers Organization (CTO) Agreement. Article 19 of the Agreement states the desired class sizes to be 31:1 for grades K-3, 32:1 for grades 4-5, 34:1 for academic classes in grades 6-8, 36:1 for elective classes in grades 6-8, except in music and classes which are limited by the number of student work stations, and 50:1 in PE. It is not the intent to increase class size in grades 4-8; however, the waiver will eliminate any penalty assessed should the District-wide average be greater than the current limit of 29.9.

With the current average class size of 29.9 per FTE, the District must sometimes move students to another class to ensure the average is not exceeded. This is not in the best interest of the student nor the integrity of the instructional program.

Because of the extremely challenging fiscal environment presently facing all schools statewide and the uncertainty of the District's potential for losing an additional $370/ADA in the middle of the school year, the Board finds that the District's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, will be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver. In these circumstances, the Board finds specifically that the class size penalty provisions of Education Code section 41376 will, if not waived, prevent the District from developing more effective educational programs to improve instruction in reading and mathematics in grades 4-8.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	5	0	6

Local educational agency: **Fullerton School District**	Contact name and Title: **Mark L. Douglas** **Asst. Superintendent, Personnel Svcs.**	Contact person's e-mail address: **mark_douglas@fsd.k12.ca.us**
Address: (City) (State) (ZIP) **1401 W. Valencia Drive, Fullerton, CA 92833**		Phone (and extension, if necessary): **(714) 447-7450** Fax Number: **(714) 447-7538**
Period of request: (month/day/year) From: **07/01/2012** To: **06/30/14**	Local board approval date: (Required) **February 7, 2012**	Date of public hearing: (Required) **February 7, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

   Topic of the waiver: **Waiving class size ratios for grades four through eight.**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **77-2-2010-WC-8** and date of SBE Approval_ **May 6, 2010**__
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _**X**_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **December 6, 2011 and January 24, 2012**

   Name of bargaining unit and representative(s) consulted: **Fullerton Elementary Teachers Association (FETA), Carla Turner, President and Stacy Hollenbeck, Lead Negotiator and California Schools Employees Association (CSEA), Al Lacuesta, President, Chapter 130 and Carol Kerns, Vice President, Chapter 130**

   The position(s) of the bargaining unit(s): __ Neutral _**X**_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _**X**__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Budget Advisory Committee

   Date the committee/council reviewed the waiver request: **January 25, 2012**

   Were there any objection(s)? No _**X**__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC to be waived (see attached)

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The current required class size for Fullerton School District is set by regulations established in the late 1980's and by union agreement at 29.9. The Fullerton Elementary Teachers Association (FETA) has agreed to adjust their standards to help relieve current budgetary needs; however, state waivers will be necessary to make adjustments District-wide. Current practice of staffing formulas forces the District to maintain a higher number of staffing units so the average is not breached. Fluctuations in ADA have required two to eight extra staffing units to avoid breaching Education Code and District caps. The additional staffing increases budgeted costs by $150,000 to $600,000.

The District is attempting to resolve a potential budget deficit of $12-$36 million dollars and the flexibility in the waiver will allow, through negotiations, the overstaffing outlined above as well as moving towards higher class sizes at all grades for the period of the financial crisis. Every adjustment in the class size by one student allows for approximately an $800,000 savings. We are requesting that the previously approved waiver for class size ratios of 33:1 be extended for two years through July 2014.

8. Demographic Information:
(*District/school/program)* **Fullerton School District** has a student population of **13,650** and is located in an **urban** (*urban, rural, or small city etc.)* in **Orange** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Fullerton School District
General Waiver Request (Grades 4 – 8)
Attachment

QUESTION 6:

41736 (b) and (e). The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~

~~(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.~~

~~(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~

~~(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:~~

~~He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in~~

~~average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant tosubdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular school day. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular school day.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during
the day larger than the standard set forth in this section.

Class Size Penalty Waiver Impact Statement
Response to Additional Questions
Fullerton School District

A statement is required on the impact of student learning, particularly in the core subjects such as reading and mathematics if the waiver is not approved. Please email this statement in a separate word document.

Without an approved waiver, Fullerton School District will need to keep mathematics and language arts classes close to the same sizes making it difficulty to adjust for student needs like English Language Learners, math students who are progressing slowly, and students who have special education needs. The District would most likely have to increase combination classes as well.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: _X_

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	3	6	7	0	8	2

Local educational agency: Hemet Unified School District	Contact name and Title: Vincent Christakos, Assistant Supt. Business Services	Contact person's e-mail address: vchristakos@hemetusd.k12.ca.us
Address: (City) (State) (ZIP) 1791 W Acacia Ave., Hemet CA 92545		Phone (and extension, if necessary): 951-765-5100 ext. 5000 Fax Number: 951-766-0629
Period of request: (month/day/year) From: July 1, 2012 To: June 30, 2013	Local board approval date: (Required) February 7, 2012	Date of public hearing: (Required) February 7, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 (b) and (e) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class Size Penalty Grade 4 through 8

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 4-5-2011-W-1 and date of SBE Approval_July 13, 2011_ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 2/1/12

   Name of bargaining unit and representative(s) consulted: Hemet Teachers Association, James Brigham, President

   The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper _X__ Notice posted at each school _X__ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: District Advisory Committee

   Date the committee/council reviewed the waiver request: 1/26/12

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attached EC 41376 (b) and (e)

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The district requests a waiver to increase the district-wide average number of pupils per each full-time equivalent (FTE) from the current 29.9 per FET (per ED 41376) to 34 per FTE for grades 4 through 8.

To meet the requirements of EC 41376, the district has to continually add staff at an average cost per new teacher of $70,000. In light of the current statewide budget crisis and the reduced revenue to school districts, this additional staffing cost has a detrimental effect on the district's operations and ability to provide services.

8. Demographic Information:
(*District/school/program)*__ has a student population of ___22,500___ and is located in a __(*urban, rural, or* ***small city*** *etc.)*__ in _____ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Assistant Superintendent, Business Services	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Item 6: EC to be waiver
To Waive the Class Size Penalty (Grades 4-8) Prospectively or Retroactively
EC 41376 (b) and (e)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:
(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.
(b) ~~For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~
~~(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.~~
~~(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~
~~(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~
(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision
(a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.
(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

(e) ~~If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:~~
~~He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	2	1

Local educational agency: **Orange Unified School District**	Contact name and Title: **Michael L. Christensen** **Superintendent of Schools**	Contact person's e-mail address: **mikec@orangeusd.org**
Address: **1401 N. Handy** (City) **Orange,** (State) **CA** (ZIP) **92867**		Phone (and extension, if necessary): **714 628-4533** Fax Number: **714 628-4041**
Period of request: (month/day/year) **From: July 1, 2012 To: June 29, 2014** **(Two years less one day)**	Local board approval date: (Required) **January 19, 2012**	Date of public hearing: (Required) **January 19, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **41376(b)(1)(2)(3), (e)** Circle One: ***EC*** or *CCR*
   Topic of the waiver: **RENEWAL** of **Waiver of class size penalty for exceeding the 1964 district and/or statewide average (29.9) number of pupils per teacher in grades 4-8. The District's class size maximum in 1964 was 29.9. Currently the District's class size average is at the maximum under the Ed. Code (29.9) for grades 4-8.**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **4-3-2010-W-5**
   Date of SBE Approval: May 6, 2010. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **OUEA – January 9, 2012**

   Name of bargaining unit and representative(s) consulted: **Orange Unified Education Association (OUEA)**
   Executive Director, **Dave Brown and Whitney Amsbary, President**

   The position(s) of the bargaining unit(s): X Neutral __ Support __ Oppose (*Please specify why*)
   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school **XX** Other: *(Please specify)*
   Posted on the District's web site and at the Education Center
   Please see Attachment A

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: **District Site Council Meeting held on January 17, 2012**

   Were there any objection(s)? No ___ Yes_X___ (*If there were objections please specify)*
   Please see Attachment B

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please see Attachment C

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The District is seeking to temporarily increase class size in grades 4-8 in order to reduce expenditures. The budget crisis and resulting revenue reductions to the Orange Unified School District has caused the District's 2012-13 and 2013-14 anticipated expenditures to exceed revenues by approximately $14.7M and $20M respectively. The District would save approximately $1,900,000 by increasing the average class size to 33 students. This would require a waiver of Ed. Code Section 41376(b), which states that a district will be penalized for exceeding its class size average in grades 4-8 from its 1964 average. In 1964 the Orange Unified School District class size average in grades 4-8 was 29.9. The District is requesting that Ed Code Section 41376(b) and its associated penalty be waived in order to increase class sizes until additional revenues are available. This waiver would end on June 29, 2012 at which time it is anticipated that the District would be in a better position to afford the lower class sizes. Should the State Board approve the waiver, the District would still have to negotiate the larger class sizes with the teachers union since class size maximums are listed in the contract. The District must first obtain a waiver in order to negotiate the larger class size, due to the fact that bargaining against Ed Code is prohibited.

8. Demographic Information:
   The Orange Unified School District has a student population of 30,030 and is located in an urban city in Orange County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **XX** ☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **XX** ☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Michael L. Christensen** **Superintendent of Schools**	Date: **January 19, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA CODES
EDUCATION CODE
SECTION **41370-41382**

41370. The governing board of each school district shall, except as may otherwise be specifically provided by law, use all money apportioned to the district from the State School Fund during any fiscal year exclusively for the support of the school or schools of the district for that year.

41371. If at the end of any fiscal year during which the schools of a school district have been maintained for the period required or permitted by law, there is standing to the credit of the district an unexpended balance of money received from the State School Fund, it may be expended for the payment of claims against the district outstanding, or it may be expended during the succeeding fiscal year.

41372. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 41011 provided, however, that the cost of all health and welfare benefits provided to the teachers by the school district shall be included within the meaning of salaries of classroom teachers.

(b) "Current expense of **education**" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 42127 for certificated salaries other than certificated salaries for pupil transportation, food services, and community services; classified salaries other than classified salaries for pupil transportation, food services, and community services; employee benefits other than employee benefits for pupil transportation personnel, food services personnel, and community services personnel; books, supplies, and equipment replacement other than for pupil transportation and food services; and community services, contracted services, and other operating expenses other than for pupil transportation, food services, and community services. "Current expense of **education**," for purposes of this section shall not include those expenditures classified as sites, buildings, books, and media and new equipment (object of expenditure 6000 of the California School Accounting Manual), the amount expended from categorical aid received from the federal or state government which funds were granted for expenditures in a program not incurring any teacher salary expenditures or requiring disbursement of the funds without regard to the requirements of this section, or expenditures for facility acquisition and construction; and shall not include the

amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of 1964" or any extension of this act of Congress.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(1) By an elementary school district, 60 percent of the district's current expense of **education**.

(2) By a high school district, 50 percent of the district's current expense of **education**.

(3) By a unified school district, 55 percent of the district's current expense of **education**.

If the county superintendent of schools having jurisdiction over the district determines, on the basis of an audit conducted pursuant to Section 41020, that a school district has not expended the applicable percentage of current expense of **education** for the payment of salaries of classroom teachers during the preceding fiscal year, the county superintendent of schools shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of this apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount designated by the county superintendent of schools shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the county superintendent of schools on any application for exemption which may be submitted to the county superintendent of schools. If it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may apply to the county superintendent of schools in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of this application, the county superintendent of schools shall grant the district exemption for any amount that is less than one thousand dollars ($1,000). If the amount is one thousand dollars ($1,000) or greater, the county superintendent of schools may grant an exemption from the requirements for the fiscal year on account of which the application is made. If the exemption is granted by the county superintendent of schools, the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the county superintendent of schools shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The county superintendent of schools shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end.

41374. Notwithstanding any other provision of law to the contrary, Section 41372 shall not apply to any elementary school district, high

school district, or unified school district, which maintains no individual class session with pupils in attendance exceeding the numbers, for the particular grade levels, following:

(a) An elementary school district--twenty-eight (28) pupils.

(b) A high school district--twenty-five (25) pupils.

(c) A unified school district--twenty-eight (28) pupils in respect to grades kindergarten through 8, inclusive; and twenty-five (25) pupils in respect to grades 9 through 12, inclusive.

As used in this section the phrase "individual class session" shall not include any class session held in grades kindergarten through 8, inclusive, in courses in visual and performing arts, industrial arts, and physical **education**. The phrase shall not include any class session held in grades 9 through 12, inclusive, in courses in commercial arts, visual and performing arts, industrial arts, vocational arts, and physical **education**. The phrase "individual class session" shall not include any class session held in grades 9 through 12, inclusive, for which two or more individual class groups which come within the descriptions specified by the first paragraph of this section and subdivision (a) or (b), or both, are assembled together in the same room for joint lectures or demonstrations.

Notwithstanding the provisions of subdivisions (b) and (c), grades 7, 8, and 9 of a junior high school shall be deemed to be high school grades for purposes of this section.

41375. It is the intent and purpose of the Legislature to encourage, by every means possible, the reduction of class sizes and the ratio of pupils to teachers in all grade levels in the public schools, and to urge every effort to this end to be undertaken by the local school administrative authorities.

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following

manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

41378. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the kindergarten classes maintained by each school district maintaining kindergarten classes.

(a) The number of pupils enrolled in each kindergarten class, the total enrollment in all such classes, and the average number of pupils enrolled per class.

(b) The total number of pupils which are in excess of thirty-three (33) in each class having an enrollment of more than thirty-three (33).

(c) The total number of pupils by which the average class size in the district exceeds 31.

(d) The greater number of pupils as determined in (b) or (c) above.

(e) He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (d) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.

41381. The State Board of **Education** may waive the minimum schoolday requirements of Section 46112 to enable school districts to establish experimental educational programs in reading and mathematics. A waiver shall be granted pursuant to this section only if:

(a) The State Board of **Education** has approved the experimental program.

(b) The total weekly minutes of instruction in the experimental program are equivalent to the total number of minutes per week which would be required by Section 46112.

Participating school districts shall conduct pretesting and posttesting of pupils enrolled in such experimental educational programs to determine the academic achievement of such pupils. Such tests shall be approved by the State Board of **Education**. Participating school districts shall also conduct control testing programs of pupils not enrolled in such experimental educational programs. Pupils in the control group shall be selected to be, as nearly as practicable, comparable in ability and socioeconomic background to pupils enrolled in the experimental programs.

41382. The principal of any elementary school maintaining kindergarten classes or regular day classes in grades 1 to 3, inclusive, may recommend to the governing board of the school district, or the governing board may adopt a resolution determining, that an exemption should be granted from any of the provisions of Section 41376, 41378, or 41379 with respect to such classes on the basis that such provisions prevent the school and school district from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes. Upon approval of such recommendation, or the adoption of such resolution, the governing board shall make application to the State Board of **Education** on behalf of the school for an exemption for such classes from the specified provisions. The State Board of **Education** shall grant the application if it finds that the specified provisions of Section 41376, 41378, or 41379 prevent the school from developing more effective educational programs to improve instruction in reading and mathematics for pupils in the specified classes and shall, upon granting the application, exempt the school district from the penalty provision of such sections.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	3	6	7	2	3	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Romoland School District	Hilda Swain Chief Business Official	hswain@romoland.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
25900 Leon Rd	Homeland	CA	92548	951-926-9244 Fax Number: 951-926-2170

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/12 To: 6/30/14	2/14/12	2/14/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 (b) and (e) Circle One: ***EC*** or *CCR*
Topic of the waiver: Asks for the authority to waive the average class size of the 1964 district and/or statewide average (29.9) number of pupils per teacher in grades 4-8.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Romoland Teachers Association January 11, 2012

Name of bargaining unit and representative(s) consulted: Romoland Teachers Association; Jay Greenberg, President

The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate): See Attachment

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Mesa View Elementary School Site Council, 2/7/2012; Harvest Valley Elementary School Site Council, 2/9/2012; and Boulder Ridge Middle School Site Council, 2/1/2012.
Date the committee/council reviewed the waiver request:

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
See Attachment.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.
The Romoland School District is requesting a waiver of class size penalties. In an effort to resolve a budget deficit of over $1.3 million dollars, the District is attempting to create as many viable options to resolve the fiscal crisis. One option is to increase class size ratios across the District.

8. Demographic Information:
Romoland School District has a student population of 3,036 and is located in a small rural city in Riverside County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

The Romoland Teachers Association has taken a neutral stance on the class size waivers for QEIA, grades Kindergarten to Third and grades Fourth to Eighth.

It is our belief as an Association that the needs of our students are best served in classrooms with a lower class size, so that the academic needs of the students can be addressed. The greater the amount of students in a classroom limits the ability of a teacher to provide an excellent educational experience, while having to focus more on the classroom management of a larger group of students.

Unfortunately, we also realize that in this time of fiscal uncertainty, it is very difficult to prepare for all of the contingencies a school year may bring, such as a decrease in ADA. In light of this, the Association understands the necessity of the class size waivers, as the District administration begins its planning for the 2012 to 2013 school year. This will allow for a gradual increase of class size, while maintaining our educational programs and highly qualified staff.

Jay B. Greenberg
President, Romoland Teachers Association CTA/NEA

#6 Education Code or California Code of Regulations section to be waived:

41376 (b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. (b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full time equivalent classroom teachers, and the average number of pupils per each full time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner; (1) Determine the number of pupils by which the average number of pupils per each full time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full time equivalent classroom teacher which existed in the district on either October 30, 1964, or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above. (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety –seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding

year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. (e) if the school district reports that is has maintained during the current fiscal year no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven (0.97) and shall multiply the product so obtained by the ratio of state-wide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of section 41601 by the resulting product.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

First Time Waiver: ___
Renewal Waiver: _X_

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	7	5	0	6	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Upland Unified School District	Linda Kaminski, Ed.D. Assistant Supt. Educational Services	Linda_Kaminski@upland.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
390 N. Euclid Ave	Upland	CA	91786	909-985-1864 ext 223 Fax Number: 909- 931-4616

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1 2012 To: June 30, 2014	1-17-2012	1-17-2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Topic of the waiver: Waiver of class size penalty for exceeding the 1964 district and/or statewide average(29.9) number of pupils per teacher in Grades 4-8. The District's class size maximum in 1964 was 26.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 17-10-2010-W-2 and date of SBE Approval 2-10-2011

Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 11-16-11

Name of bargaining unit and representative(s) consulted: Upland Teachers Association – John Glenn - President

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

_X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: District Advisory Committee.

Date the committee/council reviewed the waiver request: 2/22/12

Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attachment # 1

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attachment # 2

8. Demographic Information:
Upland Unified School District has a student population of 11,927 and is located in the city of Upland in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Upland Unified School District
General Waiver Request Attachment
To Waive the Class Size Penalty (Grades 4-8) EC 41376 (b) and (e)

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~

~~(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.~~

~~(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~

~~(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:~~

~~He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

Upland Unified School District
General Waiver Request Attachment

Education Code states that class size averages in grades 4-8 for Upland Unified School District (UUSD) cannot exceed either **29.9** or the class average of the district in 1964. The UUSD average in 1964 was 26 students per FTE. The UUSD is requesting a waiver of Education Code 41376(b) penalties to allow for an average of **32:1 for grades 4-8.**

The 2009-10 school year the UUSD and the Upland Teachers Association had a Memorandum Of Understanding to staff grades 4-8 at 31:1 FTE. In 2010-11 the staffing ratio was **29.83:1.** It is the intent of the UUSD to maintain class averages that have been negotiated. However if they have to go to the higher level after the waiver it will have to be negotiated.

The UUSD has attempted to maintain not only the core program, but also the music and physical education program for grades 4-8. However, due to the current statewide budget crisis, and reduced revenues to school districts and to the unforeseen nature of the budget, the UUSD is requesting this increase in class size for the following reasons:

- Flat funding of revenue for the 2011-12 school year. No COLA to offset normal increase in operating expenses and a continued deficited Revenue Limit Reduction of 19.75%
- Anticipated continued reduction for the 2012-13 and 2013-14 school years
- To protect the instructional integrity of the mathematics, reading and other educational program
- Distribute the necessary reductions over a greater number of grade levels
- The District has had to make a total of $19 million in cuts during the 2008-09 - 2011-12 school years and also implement the flexibility transfers, SBX3 4 to balance the budget

Upland Unified School District has been able to manage its financial responsibility by developing a budget that has managed to keep the district solvent and at the same time continue to provide a sound educational program. In the 2008-09 - 2011-12 school years the district saw a shortfall of $19 million in revenues but was able to submit to the state a balanced budget.

In 2010-11 the Academic Performance Index of the Upland Unified School District had an API of 807. CST test data indicates that we are making progress closing the achievement gap. Of the ten elementary schools, eight of them have an API above 800 with two schools at 900 or above and API growth in nine of the twelve K-8 schools. Both Junior High Schools in the past have been identified as California Distinguished Schools and eighth of the ten elementary schools have been identified as a California Distinguished School or a Title 1 High Achieving School. This year, two schools have been asked to apply for the California Distinguished School Program. One is a previous California Distinguished School and if the other is chosen, Upland Unified School District will have nine of its ten elementary schools identified as a California Distinguished School.

The Upland Unified School District continues to work diligently to ensure that students are provided with the essential core academic program. In addition, the Upland Unified School District is also committed to making sure that students have a rich educational experience and has decided to continue with the music and physical education programs. Upland Unified School District has made great strides in programs serving English Language Learners and Students with Disabilities in the areas of English Language Arts, mathematics and reading. The waiver is essential in maintaining our core instructional programs in English Language Arts and mathematics. If the waiver is not granted the financial penalties of approximately $1,700,000 would compromise the District's ability to provide an effective educational program.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	9	1	8

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Victor Elementary School District	Debbie Betts, Director of Fiscal Services	dbetts@vesd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
15579 Eighth Street	Victorville	CA	92395	(760) 245-1691 x220 Fax Number: (760) 245-4785

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/2012 To: 6/30/2014	February 8, 2012	February 8, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 41382, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 (b) and (e) Circle One: *EC* or *CCR*

Topic of the waiver: To waive Class Size Penalty for Grades 4-6 EC 41376 (b) and (e)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 5-7-2010-W-1 and date of SBE Approval November 10, 2010. Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information.

Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Name of bargaining units and representative(s) consulted:

Bargaining unit(s):	Date Consulted	Representative Name	Support/Oppose
Victor Elementary Teacher's Assocation (VETA)	Feb 1 , 2012	Nancee Fine, President	Oppose
California School Employees Association (CSEA)	Feb 2, 2012	John Mickle, President	Support

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper X Notice posted at each school X Other: Posted on district website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
_(DAC)_District Advisory Council___
Date the committee/council reviewed the waiver request: Feb 3, 2012

Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   Please refer to attachment #1.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The District requests a waiver to increase the District-wide average of pupils per each full-time equivalent (FTE) teacher from the current 31.6 per FTE to 33.0 per FTE for grades 4-6.

   The waiver is necessary to help achieve fiscal solvency but not at the expense of improved student achievement. In light of the current statewide budget crisis this additional staffing has a detrimental effect on the District's operations and ability to provide necessary services.

   The District is responding to the fiscal challenges and is working on a plan to eliminate deficit spending by 2014/2015.

   Even though there are fiscal challenges, student performance continues to improve.

   Please note:

   1. Our District API is 813, which is in the top ten of 33 districts in our county.
   2. We have 2 schools over 900 API and 8 of our schools over 800 API. The remaining schools are over 700 API.
   3. The District will continue to be a high performing District despite the financial crisis.

8. Demographic Information:
   Victor Elementary School District has a student population of 11520 and is located in a small city of Victorville in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.		
Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Attachment #1

To waive Class Size Penalty for Grades 4-6 EC 41378 (b) and (e)

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

Attachment #2

February 22, 2012

Christine Gordon, Education Programs Consultant
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Re: Statement of Impact

Dear Christine,

Victor Elementary School District has remained determined to provide essential core academic programs to our students by using all available resources to maintain as many teacher jobs and student programs as possible. With staffing reductions made due to the current fiscal crisis, the imposition of financial penalties for exceeding class-size requirements would have a detrimental affect on our ability to continue to provide quality instruction in all core subjects, including reading and mathematics.

Denial of these waiver renewals would compromise the District's ability to develop more effective educational programs to continue to fully serve the needs of our students. Every school within Victor Elementary School District is Title I. Our District API is 813, with 2 schools over 900. These waivers are essential to our efforts of continued improvement of core instructional programs and services for all Victor Elementary students.

Sincerely,

Debbie Betts
Director of Fiscal Services

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _x__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
1	1	6	2	6	6	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Willows Unified School District	Betty Skala, Director of Business Svc.	bskala@willowsunified.org

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary): 530-934-6600, ext 5
823 W Laurel Street	Willows	CA	95988	Fax Number: 530-934-6609

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/12 To: 6/30/14	2/2/12	2/2/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 (b) and (e) Circle One: *EC* or *CCR*

   Topic of the waiver: Class Size Standards, Grades 4 – 8.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01-12-12

   Name of bargaining unit and representative(s) consulted: Willows Unified Teachers Association/ Teresa Woods & California School Employees Association/ Karen Hansen, president and Linda Ell, negotiation chairperson

   The position(s) of the bargaining unit(s): _x_ Neutral __ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): **See Attachment #1 (Collective bargaining unit information)**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X Notice posted at each school __X_ Other: WUSD District Office, Glenn County Office of Education & City of Willows Civic Center

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Willows Intermediate School Site Council

   Date the committee/council reviewed the waiver request: 01-26-12

   Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

   See Attachment # 1 (Advisory Committee/School Site Council)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   See Attachment # 1 (Education code section to be waived)

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See Attachment # 1 (Desired outcome/rationale)

8. Demographic Information:
   Willows Unified School District has a student population of1,506 and is located in a rural community in Glenn County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No x Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No x Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Willows Unified School District

#1 Attachment – Application Section 3 – Collective Bargaining Unit Information

No opposition. WUTA/CSEA indicated they could not take a position on this issue at this time and indicated a neutral position. Question was how would this benefit? The response was due to our financial situation, to avoid penalties and the need to increase class size, benefits the district's bottom-line, therefore benefits all employees of the district and helps the district address the Governor's proposed triggers.

#1 Attachment – Application Section 5 – Advisory Committee/School Site Council

No objections. However, the following comments were made: They indicated they are neutral and may not agree with larger class sizes, but understand the financial situation that the district faces. They do not want to see penalties that would ultimately impact the district, resulting in greater losses of resources to serve the educational needs of the students. Felt that class sizes over 20-25 are not serving the best interest of the children. Some indicated that the district could make different decisions to avoid being in this position.

#1 Attachment – Application Section 6 – Education Code to section to be waived

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~

~~(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.~~

~~(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~

~~(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this~~

~~section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:~~

~~He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction.

Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular school day. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular school day.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

#1 Attachment – Application Section 7 – Desired Outcome/Rational

Education code states that class size averages in grades 4-8 cannot exceed either 29.9 or the class size average of the district in 1964. In Willows Unified School District, this limit is 28.8. With current state and federal budgetary challenges, we have and continue to face huge deficits. As a district with one comprehensive high school and education Code restrictions on class size in grades K-8, our options are limited, thus impacting our high school with significantly larger classes and fewer electives. Additionally penalties would impact our lower grades with less intervention and concentration in reading and mathematics. We are requesting a waiver of Education Code 41376 (b) & (e) penalties to allow for an average class size in grades 4-8 from our current limit of 28.8:1 to 33:1.

We have in the past several years cut over $3.7 million from our budget in response to the revenue reductions imposed by loss of funding. Solvency will continue to be problematic for the

district as the State of California continues to struggle financially. Our options for local solvency continue to be reduction in school days, larger class size and elimination of programs including, but not limited to, reading and mathematics programs. We have also been facing declining enrollment with students leaving our rural area for locations outside of our county. Our district resides in a rural farming community lacking employment opportunities, and with the uncertainty of our local economy in conjunction with the state's situation, faces possible further reductions in enrollment as families leave the area to seek employment elsewhere. Having this temporary flexibility regarding class size can help the district address specific local and economic conditions. It will also give us the time over the next two years to reassess our fiscal position to lower class sizes.

Willows Unified School District, despite increased class size will continue to stress academic achievement, and support of our educational responsibilities will remain as our primary objective and goal supporting our mission **Preparing Today's Students for Tomorrow's Challenges** and we are committed to providing a safe, enriched, student-centered learning environment where all our students can:

- realize their full academic potential,
- develop respect and tolerance for themselves and others, and
- become involved, responsible citizens"

ITEM #W-30

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three districts to waive portions of California *Education Code* Section 41376 (b) and (e), relating to class size penalties for grades four through eight. A district's current class size maximum is the greater of the 1964 statewide average of 29.9 to one or the district's 1964 average. Waiver Numbers: Banning Unified School District 110-2-2012 Eureka Union School District 137-2-2012 Lodi Unified School District 122-2-2012	☒ Action ☐ Consent

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

The California Department of Education (Department) recommends that the class size penalty in grades four through eight be waived provided the class size average is not greater than the recommended new maximum average shown on Attachment 1 for each district. These waivers do not exceed two years less one day, therefore, *Education Code (EC)* Section 33051(b) will not apply, and the districts must reapply to continue the waiver.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since September 2009, the State Board of Education (SBE) has approved all grades four through eight class size penalty waiver requests. Before the September 2009 board meeting, no waivers had been submitted since 1999.

SUMMARY OF KEY ISSUES

The various districts listed on Attachment 1 request a waiver of subdivisions (b) and (e) of *EC* Section 41376, which relates to class size penalties for grades four through eight that reduce a district's revenue limit funding. A class size penalty is assessed for grades four through eight if a district exceeds the greater of the district's class size average in 1964 or the statewide average set in 1964. Statewide, 292 districts out of 883 or 33 percent of districts in California can have a class size average greater than 29.9.

SUMMARY OF KEY ISSUES (Cont.)

The districts listed on Attachment 1 request to temporarily increase class sizes in grades four through eight to reduce expenditures in light of the statewide budget crisis and reductions in revenue limit funding. Since fiscal year 2008–09 most districts have experienced at least a 10 percent reduction in revenue limit funding in addition to the elimination of statutory cost of living adjustments. Furthermore, payments for over one-quarter of what they are due have been deferred until the next fiscal year.

A positive certification is assigned to a school district that will meet its financial obligations in the current and two subsequent fiscal years. A qualified certification is assigned when a district may not meet its financial obligations for the current or two subsequent fiscal years. A negative certification is assigned when a district will be unable to meet its financial obligations for the remainder of the current year or for the subsequent fiscal year. Each district's most recent status is identified on Attachment 1.

To address funding reductions, districts are using various options in addition to increasing class size, including categorical program spending flexibility, reducing the number of days in the school year, employee furloughs, salary reductions, layoffs, or school closures. The statutes being waived do not preclude a district from increasing class sizes above certain maximums. By denying the waiver, the SBE does not ensure that the districts will not raise class size averages and lose funding.

The Department recommends the class size penalty in grades four through eight be waived for each district provided the class size average is not greater than the recommended new maximum shown on Attachment 1. Should the district exceed this limit, the class size penalty would be calculated as required by statute. The estimated annual penalty should the district increase the class size average without a waiver is provided on Attachment 1.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed. (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request. (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees. (4) Pupil or school personnel protections are jeopardized. (5) Guarantees of parental involvement are jeopardized. (6) The request would substantially increase state costs. (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

See Attachment 1 for estimated penalty amounts for each district without the waiver approval.

ATTACHMENT(S)

Attachment 1: List of Waiver Numbers, Districts, and Information Regarding Each Waiver (1 page)

Attachment 2: Banning Unified School District General Waiver Request 110-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Eureka Union School District General Waiver Request 137-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 4: Lodi Unified School District General Waiver Request 122-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Districts Requesting Grades 4-8 Class Size Penalty Waivers

Waiver Number	District	Period of Request	1964 Class Size Average (Current Maximum)	District's Requested Class Size Average	CDE Recommended Class Size Average (New Maximum)	Bargaining Unit, Representatives Consulted, Date, and Position	Local Board and Public Hearing Approval Date	Advisory Committee(s) Consulted, Date, and Position	Potential Annual Penalty Without Waiver	Fiscal Status	Previous Waiver and Period of Request
110-2-2012	Banning Unified School District	**Requested**: July 1, 2012 to June 30, 2013 **Recommended:** July 1, 2012 to June 29, 2013	29.9	34	34	Banning Teachers Association, Yvonne Lanthripp, 2/6/12 **Oppose**	February 16, 2012	District Parent Advisory Committee, 2/8/12 **No Objections**	$1,128,883 FY 2012-2013	Qualified	Yes 7/1/11 to 6/30/12
137-2-2012	Eureka Union School District	**Requested:** July 1, 2012 to June 29, 2014 **Recommended** July 1, 2012 to June 29, 2014	30.8	35	35	Eureka Union Teachers Association, John Montero, Michelle Raley, Co-Presidents, 2/1/12 **Oppose provided by the district, not on form**	February 14, 2012	Program Analysis Advisory Committee 2/15/12 **No Objections provided by the district, not on form**	$1,465,880 each year	Positive	Yes 7/1/10 to 6/29/12
122-2-2012	Lodi Unified School District	**Requested**: July 1, 2012 to June 30, 2014 **Recommended:** July 1, 2012 to June 29, 2014	29.9	33	33	Lodi Education Association, Jeff Johnston, President, 1/31/12 **Oppose**	February 21, 2012	District Advisory Committee and District English Learner Advisory Committee, 2/9/12 **No Objections**	$6,028,085 each year	Positive	Yes 7/1/10 to 6/29/12

California Department of Education
Created on March 15, 2012

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: X

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	3	6	6	9	8	5

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Banning Unified School District	**Gordon Fisher, Assistant Superintendent**	**gfisher@banning.k12.ca.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
161 West Williams Street	**Banning**	**CA**	**92220**	(951) 922-0207 Fax Number: (951) 922-0298

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **July 1, 2012** To: **June 30, 2013**	**02/16/2012**	**02/16/2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 41376 (b) and (e) Circle One: ***EC*** or *CCR*

Topic of the waiver: **Class Size Penalty Grades 4-8.**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 2-6-2011-W-4 and date of SBE Approval_11/9/2011
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **02/06/2012**

Name of bargaining unit and representative(s) consulted: **Yvonne Lanthripp, President,** Banning Teachers Association

The position(s) of the bargaining unit(s): __ Neutral __ Support **X** Oppose (*Please specify why*)

Comments (if appropriate): **BTA opposes increasing the class size because small class sizes are a critical factor in student achievement. They believe the increased class sizes violates the CBA.**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

X Notice in a newspaper **X** Notice posted at each school **X** Other: *(Please specify)* **Agenda on-line**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Banning Unified School District DPAC (District Parent Advisory Committee)
Date the committee/council reviewed the waiver request: February 8, 2012

Were there any objection(s)? No **X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See the attached EC 41367 with strike-outs through sections (b) and (e).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The District requests a waiver to increase the district-wide average number of pupils per each FTE (Full Time Equivalent) from the current 29.9 per FTE to thirty-four (34) per FTE in grades 4-8, inclusive. The reason for this waiver is the budget restraints the District is facing due to the state budget crisis. The District has maintained class sizes at less than 30 per FTE during the downturn of the economy. However, with the current budget forecasts and uncertainty, there is a likelihood that the number of FTE's will have to be reduced, which will result in a greater number of students per FTE.

The Association maintains that a class size increase violates the CBA. Their position is that there is a class cap of 30 students per teacher required in the Negotiated Agreement. The District maintains that 30 is not a cap, but the District is obligated to make a "reasonable effort" to maintain 30. This has been arbitrated in the recent pasts and the District prevailed in this argument. The District will continue to make, as it always has, a "reasonable effort" to maintain class sizes of 30, given the restraints of the current budget.

8. Demographic Information:
(*District/school/program)*__ has a student population of **4,478** and is located in a __**small city** (*urban, rural, or small city etc.)*__ in __**Riverside**__ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Assistant Superintendent – Curriculum, Instruction and Assessment	Date: 02/07/2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

41376. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class.

For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.

(b) ~~For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner:~~

~~(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board.~~

~~(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.~~

~~(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section.

(e) ~~If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:~~

~~He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 41601 by this total amount.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964-65 and each year thereafter the information required for the determination to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In

reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964-65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 41601 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: ___
Renewal Waiver: _X__

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	1	6	6	8	2	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
EUREKA UNION SCHOOL DISTRICT	MELODY GLASPEY, CBO CLARK BURKE, DIRECTOR OF HR	mglaspey@eureka-usd.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
5455 EUREKA RD GRANITE BAY CA 95746	916-791-4939 Fax Number: 916-791-5527

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/2012 To: 6/29/2014	02/14/2012	02/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

Topic of the waiver: EC 41376 (b) & (e) Class Size Penalty for Grades 4-8

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 11-1-2011-W-1 _____ and date of SBE Approval__03/11/2011____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 02/01/2012 Special Board meeting and prior private notification of intent to apply

Name of bargaining unit and representative(s) consulted: Eureka Union Teachers' Association – John Montero, co-president and Michelle Raley, co-president

The position(s) of the bargaining unit(s): __ Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate): TBA

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _x__ Notice posted at each school __X_ Other: *(Please specify)* Posted on Agenda-on-Line.

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Program Analysis Advisory Committee

Date the committee/council reviewed the waiver request:
02/15/12 & subsequent meetings

Were there any objection(s)? No ___ Yes ___ (*If there were objections please specify)* TBA

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Eureka USD is requesting a waiver (or renewal of existing waiver) of the penalties set forth in EC 41376, which refers to current fiscal year average number of pupils per teacher in grades 4-8 not to exceed the greater of the statewide average number of pupils per teacher in 1964 (29.9) or the district's average number of pupils per teacher in 1964 (30.8 for EUSD), whichever is greater.

41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30.~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Eureka USD is experiencing declining enrollment, which amplifies the detrimental financial effects of the state budget crisis on local school district funding. Throughout the ongoing process of correcting the resulting deficit spending, the Board of Trustees and the Program Analysis Advisory Committee (Budget Committee) have focused on directing reductions away from the classroom as a priority, as evidenced by the 2011-12 1 K-3 class size staffing ratio of 23.5. In addition, there has been an increased focus on early intervention in the primary grades. One measure of the District's exemplary program is its 2011 API district- wide score of 907, including 4 out of 7 schools with scores in the 900's.

The average class sizes in grades 4-8 are very close to the district's 1964 limit of 30.8, and absent a waiver, could be at risk for losing revenue if this ratio is exceeded. The District will need to consider all options for correction to the existing deficit, as well as responding to uncertainty of state funding. Given the extremely challenging fiscal environment presently facing all California schools, together with the additional fiscal challenge of declining enrollment that Eureka USD is experiencing, the District's continued ability to maintain the delivery of instruction and required program offerings in all core subjects, including reading and mathematics, could be seriously compromised by the financial penalties the District would otherwise incur without the requested waiver. In these circumstances the District is requesting the waiver provisions of Education Code section 41376 and 41378 to allow appropriate options to respond to further fiscal distress and ensure ongoing effective educational programs. The District is respectfully requesting a waiver allowing average class size in grades 4-8 of 33 (prior waiver allowed) to 35, to be effective for the 2012-13 and 2013-14 school years.

8. Demographic Information:
(*District/school/program)* ***EUREKA UNION SCHOOL DISTRICT***__ has a student population of _3,260__ and is located in a rural/small city(*urban, rural, or small city etc.) Granite Bay*__ in __Placer_ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
DAVID DOMINGUEZ	INTERIM SUPERINTENDENT	02/14/2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver:
Renewal Waiver: √

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	9	6	8	5	8	5

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Lodi Unified School District	Maria Fong, Controller	mfong@lodiusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1305 East Vine Street	Lodi	CA	95240	Phone Number: 209.331.7127 Fax number: 209.331.7533

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
July 1, 2012 to June 30, 2014	February 21, 2012	February 21, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 41376 (b) and (e) Circle One: *EC* or *CCR*

Topic of the waiver: Waiver of Class Size Penalty to exceed the 1964 district (29.2) and/or statewide average (29.9) number of pupils per teacher in grades grade 4 through 8. The district wishes to increase the average to 33:1.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: 5-9-2010-W-1

3. Collective bargaining unit information. Does the district have any employee bargaining units? ☐ No ☒ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 31, 2012

Name of bargaining unit and representative(s) consulted: Jeff Johnston, President, Lodi Education Association (LEA)

The position(s) of the bargaining unit(s): __ Neutral __ Support √ Oppose (*Please specify why*)

Comments (if appropriate):

A) Increasing class size results in decreased student achievement, individual student-teacher contact time, and places special needs and at-risk students at greater risk for failure.

B) LEA strongly believes in the district's ability to resolve class-size issues with solutions currently available.

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

__Notice in a newspaper √ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
DAC – District Advisory Committee and DELAC –District English Learner Advisory Committee

Date the committee/council reviewed the waiver request: February 9, 2012

Were there any objection(s)? No √ Yes __ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

To waive the Class Size Penalty (Grades 4 through 8)
EC 41376 (b) and (e)

41376. 41376(b) and (e) The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district: (a) For grades 1 to 3, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty (30) in each class. For those districts which do not have any classes with an enrollment in excess of 32 and whose average size for all the classes is 30.0 or less, there shall be no excess declared. For those districts which have one or more classes in excess of an enrollment of 32 or whose average size for all the classes is more than 30, the excess shall be the total of the number of pupils which are in excess of 30 in each class having an enrollment of more than 30. ~~(b) For grades 4 to 8, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess if any, of pupils enrolled in such grades in the following manner: (1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on either October 30, 1964 or March 30, 1964, as selected by the governing board. (2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year. (3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.~~ (c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subdivision (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades 1, 2 and 3 reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year. (d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty (30) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 41601 by the product determined under subdivision (c) of this section. ~~(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty (30) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation: He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 41601 by the resulting product.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Lodi Unified School District, in an effort to resolve budgetary deficits in excess of $16 million for the 2012-2013 fiscal year is attempting to create as many viable options to resolve the fiscal crisis. An important option is to continue with the increase of pupils/teacher ratio in grades 4-8. With current state budgetary challenges and potential midyear cuts, we are facing huge deficits. Though we have implemented numerous reductions to offset these deficits, we must reduce personnel costs to remain solvent. The renewal of waiver to Education Code 41376 (b) and (e) will allow us to continue to distribute necessary reductions over a greater number of grade levels, thus alleviating the impact of budgetary deficits. The district is seeking to temporarily increase pupil/teacher ratio in grades 4-8 to 33:1 in order to reduce expenditures and to avoid the class size penalty. The increase in class size will allow the district greater flexibility in grades 4-8 as we work to remain fiscally solvent while providing quality education to our students. To protect the instructional integrity of our educational programs the district has discussed the increase of class size averages with our bargaining unit.

8. Demographic Information:

Lodi Unified School District has a student population of 28, 691 for fiscal year 2011-12. The district includes the City of Lodi, the northern portion of the City of Stockton and adjacent unincorporated areas of San Joaquin County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐ (If yes, please attach explanation or copy of audit finding) **Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐ (If yes, please attach explanation or copy of *CPM* finding)		
District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.		
Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-32

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT

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

Waiver Number: Capistrano Unified 38-1-2012
Lynwood Unified 179-2-2012
Lynwood Unified 181-2-2012
Oakland Unified 50-2-2012
Oakland Unified 52-2-2012
Oakland Unified 55-2-2012
Oakland Unified 56-2-2012
Oakland Unified 58-2-2012
Oakland Unified 60-2-2012
Pajaro Valley Unified 74-2-2012
Pajaro Valley Unified 75-2-2012
Pajaro Valley Unified 78-2-2012
Romoland Elementary 128-2-2012
Sacramento City Unified 102-1-2012
Sacramento City Unified 103-1-2012
Sacramento City Unified 104-2-2012
Sacramento City Unified 105-2-2012
San Bernardino City Unified 112-2-2012
San Francisco Unified 159-2-2012
San Francisco Unified 160-2-2012
San Francisco Unified 162-2-2012
San Francisco Unified 163-2-2012
San Francisco Unified 165-2-2012
Santa Ana Unified 173-2-2012
Santa Ana Unified 174-2-2012
Santa Ana Unified 175-2-2012
Santa Ana Unified 176-2-2012
Santa Paula Elementary 183-2-2012
West Contra Costa Unified 125-2-2012

☒ **Action**

☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, and 57 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to waive the class size reduction requirements (CSR) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). Over 80 percent of CSR waivers previously presented have been approved by the SBE.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to reduce class sizes by five students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is ten students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed;

SUMMARY OF KEY ISSUES (Cont.)

(2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Capistrano Unified School District Request 38-1-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 2: Capistrano Unified School District General Waiver Request 38-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Lynwood Unified School District Request 179-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 4: Lynwood Unified School District General Waiver Request 179-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Lynwood Unified School District Request 181-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 6: Lynwood Unified School District General Waiver Request 181-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Oakland Unified School District Request 50-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

ATTACHMENT(S) (Cont.)

Attachment 8: Oakland Unified School District General Waiver Request 50-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Oakland Unified School District Request 52-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 10: Oakland Unified School District General Waiver Request 52-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Oakland Unified School District Request 55-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 12: Oakland Unified School District General Waiver Request 55-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: Oakland Unified School District Request 56-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 14: Oakland Unified School District General Waiver Request 56-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 15: Oakland Unified School District Request 58-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 16: Oakland Unified School District General Waiver Request 58-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 17: Oakland Unified School District Request 60-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 18: Oakland Unified School District General Waiver Request 60-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 19: Pajaro Valley Unified School District Request 74-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 20: Pajaro Valley Unified School District General Waiver Request 74-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 21: Pajaro Valley Unified School District Request 75-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 22: Pajaro Valley Unified School District General Waiver Request 75-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 23: Pajaro Valley Unified School District Request 78-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 24: Pajaro Valley Unified School District General Waiver Request 78-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 25: Romoland Elementary School District Request 128-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 26: Romoland Elementary School District General Waiver Request 128-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 27: Sacramento City Unified School District Request 102-1-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 28: Sacramento City Unified School District General Waiver Request 102-1-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 29: Sacramento City Unified School District Request 103-1-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 30: Sacramento City Unified School District General Waiver Request 103-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 31: Sacramento City Unified School District Request 104-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 32: Sacramento City Unified School District General Waiver Request 104-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 33: Sacramento City Unified School District Request 105-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 34: Sacramento City Unified School District General Waiver Request 105-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 35: San Bernardino City Unified School District Request 112-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 36: San Bernardino City Unified School District General Waiver Request 112-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 37: San Francisco Unified School District Request 159-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 38: San Francisco Unified School District General Waiver Request 159-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 39: San Francisco Unified School District Request 160-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 40: San Francisco Unified School District General Waiver Request 160-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 41: San Francisco Unified School District Request 162-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 42: San Francisco Unified School District General Waiver Request 162-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 43: San Francisco Unified School District Request 163-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 44: San Francisco Unified School District General Waiver Request 163-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 45: San Francisco Unified School District Request 165-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

ATTACHMENT(S) (Cont.)

Attachment 46: San Francisco Unified School District General Waiver Request 165-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 47: Santa Ana Unified School District Request 173-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 48: Santa Ana Unified School District General Waiver Request 173-2-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 49: Santa Ana Unified School District Request 174-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 50: Santa Ana Unified School District General Waiver Request 174-2-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 51: Santa Ana Unified School District Request 175-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 52: Santa Ana Unified School District General Waiver Request 175-2-2012 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 53: Santa Ana Unified School District Request 176-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 54: Santa Ana Unified School District General Waiver Request 176-2-2012 (7 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 55: Santa Paula Elementary School District Request 183-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 56: Santa Paula Elementary School District General Waiver Request 183-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 57: West Contra Costa Unified School District Request 125-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

ATTACHMENT(S) (Cont.)

Attachment 58: West Contra Costa Unified School District General Waiver 125-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 38-1-2012 **Period of Request:** July 1, 2010, to June 29, 2012
Period Recommended: July 1, 2010, to June 30, 2011
Kinoshita Elementary School **CDS Code:** 30 66464 6117733
Capistrano Unified School District

Local Educational Agency Request:

Capistrano Unified School District (USD) is located in Southern Orange County with a student population of approximately 50,505 students. Kinoshita Elementary School (ES) has a student population of approximately 645 students in kindergarten and grades one through five (K–5). Monitoring performed by the Orange County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–5 were 20.4 (K–3), 23.5, and 25.0, respectively.

Capistrano USD states that since the inception of the QEIA program, Kinoshita ES has made significant progress. The district states that due to fiscal constraints, class sizes have been recalculated and have increased in recent years and the district CSR program has changed. The parent community, school staff, and district staff are all committed to continuing and supporting the strong growth at Kinoshita ES.

Capistrano USD requests a waiver of the QEIA CSR targets for kindergarten and grades two and three at Kinoshita ES for school year 2010–11 and the establishment of alternative CSR targets of 22.0 per class in kindergarten and 25.0 per class in grades two and three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Capistrano USD's request to increase its CSR target for kindergarten and grades two and three at Kinoshita ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades two and three classes at Kinoshita ES for school year 2010–11; (2) Kinoshita ES increase to 22.0 per class in kindergarten and 25.0 per class in grades two and three for school year 2010–11; and (3) Within 30 days of approval of this waiver, Capistrano USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Kinoshita Elementary Schoolsite Council on January 18, 2012.

Supported by Capistrano Unified Education Association and California School Employees Association, November 15 and 18, 2011.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	4	6	4

Local educational agency: Capistrano Unified School District	Contact name and Title: Stacy Yogi, Executive Director, State and Federal Programs	Contact person's e-mail address: syogi@capousd.org
Address: (City) (State) (ZIP) 33122 Valle Road, San Juan Capistrano, CA 92675		Phone (and extension, if necessary): 949-234-9244 Fax Number: 949-489-0467
Period of request: (month/day/year) From: 07/01/2010 To: 06/29/2012	Local board approval date: (Required) January 25, 2012	Date of public hearing: (Required) January 25, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a) Circle One: (***EC***) or *CCR*

   Topic of the waiver: QEIA CSR

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **N/A** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): November 15, 2011 (CUEA) and November 18, 2011 (CSEA)

   Name of bargaining unit and representative(s) consulted:
   - **Capistrano Unified Education Association (CUEA)**
   - **California School Employees Association (CSEA)**

   The position(s) of the bargaining unit(s): __ Neutral **_X** Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X_ Notice in a newspaper **_X** Notice posted at each school **_X_** Other: *(Please specify)* : Notif. to community by website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Kinoshita Elementary School Site Council

   Date the committee/council reviewed the waiver request: **January 18, 2012**

   Were there any objection(s)? No **_X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
EC 52055.740 (a) for each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) ~~For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program~~ (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4-8, inclusive, ~~an average classroom size that is the lesser of clause (i) or (ii), as follows:~~
(i) ~~At least five pupils fewer per classroom than was the average in 2006-07~~
(ii)~~An average of 25 pupils per classroom.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Please see Attached

8. Demographic Information:
Kinoshita Elementary School has a K-5 student population of 645 students and is located in San Juan Capistrano in South Orange County. Students are 98% Hispanic/Latino, 96.7% socioeconomically disadvantaged, and 76% English learners.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Superintendent**	Date: **January 25, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Kinoshita Elementary School
Attachment to Waiver: Item 7: Desired outcome/rationale.

Rationale:
Capistrano Unified School District is a suburban school district located in South Orange County and has a student population of approximately 50,505. Kinoshita Elementary School is located in San Juan Capistrano, is a schoolwide Title 1 program and has a K-5 student population of 645 students. Students are 98% Hispanic/Latino, 96.7% socioeconomically disadvantaged, and 76% English learners.

Since the inception of the Kinoshita QEIA program, the school has made significant progress. The Kinoshita API has grown 99 points over the past four years to an all time high of 775 in 2011. With the assistance of QEIA, the school has been able to reduce class size, eliminate combination classes, and provide valuable professional development which led the school to exit Program Improvement in 2008. Although the school is back in Program Improvement Year 1, the API is at its highest in the history of the school and all numerically significant subgroups met the math target in 2011.

Due to fiscal constraints, class sizes in CUSD have been recalculated and have increased in subsequent years. The district CSR program has changed to allow classes in Kindergarten through third grade to exceed 20.44 to over 30.

Kinoshita's QEIA class size reduction requirements have been met with the exception of Kindergarten, 2nd, and 3rd grade target of 20.44 in the 2010-11 school year. The Kinoshita average in Kindergarten was 21.1 which was 0.66 above the requirement. The average in 2nd grade was 3.36 above the requirement, and the average in 3rd grade was 1.66 above the requirement. All other grades met the required target for CSR in the 2010-11 school year. The parent community, school staff, and district staff are all committed to continuing and supporting the strong growth at Kinoshita Elementary school. It would be unfortunate if this upward trend were interrupted.

CUSD is anticipating that Kinoshita will be able to meet proposed revised class size targets of 25 or less for each class in grades K-3 and 26.5 on average in grade 5 for the 2011-2012 year. Grade 4 is anticipated to have an average of 30.6. If this waiver request is approved, Kinoshita will structure the classes to meet the 26.5 average for grades 4 and 5 in 2012-2013.

Desired Outcome:
CUSD is requesting a waiver of the QEIA CSR targets and the establishment of alternative CSR targets at Kinoshita Elementary School for kindergarten through three of 25.0 per class, an average of 30.6 for grade 4 and an average of 26.5 in grade 5. We believe approving the waiver request would meet the spirit of the law of the QEIA legislation to improve school performance by reducing class size.

Waiver Number: 179-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Lynwood Middle School **CDS Code:** 19 64774 6115547
Lynwood Unified School District

Local Educational Agency Request:

Lynwood Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 16,359 students. Lynwood Middle School (MS) serves 1,568 students in grades seven through nine. Monitoring performed by the Los Angeles County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Lynwood MS in twenty-one grade eight classes and twelve grade nine classes that exceeded the QEIA 27-student cap per classroom requirement in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 25.0 for grades seven through nine, respectively.

Lynwood USD states that Lynwood MS is located in an urban area consisting of many English learners and low income families where enrollment varies throughout the year due to the nature of local family dynamics. QEIA funding has been assisting Lynwood MS in its efforts to have a low student teacher ratio, and without this funding the school would not continue to show academic improvement. The district states that staffing at the QEIA CSR levels is encroaching on the general fund.

Lynwood USD requests a waiver for exceeding the QEIA 27-student cap per core classroom CSR requirement for twenty-one grade eight classes and twelve grade nine classes at Lynwood MS for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lynwood USD's request to waive the QEIA 27-student cap per core classroom CSR requirement for twenty-one grade eight classes and twelve grade nine classes at Lynwood MS for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to twenty-one grade eight classes and twelve grade nine classes at Lynwood MS that exceeded the QEIA 27-student cap per core classroom CSR requirement for school year 2010–11; (2) Will meet previously established QEIA CSR targets beginning in 2011–12 and going forward; and, (3) Within 30 days of approval of this waiver, Lynwood USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Lynwood Middle Schoolsite Council on February 23, 2012.

Supported by Lynwood Teachers Association, February 7 and 23, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	1	1	5	5	4	7

Local educational agency: Lynwood Unified School District	Contact name and Title: Yesenia Fernández, Acting Director, instructional services	Contact person's e-mail address: yfernandez@lynwood.k12.ca.us
Address: (City) (State) (ZIP) Lynwood Unified School District, 11321 Bullis Road, Lynwood, CA 90262		Phone (and extension, if necessary): (310) 886-1600 Ext. 76637 Fax Number: (310) 763-0959
Period of request: (month/day/year) From: July 1, 2010 To: June 30, 2011	Local board approval date: (Required) Feb. 14, 2012	Date of public hearing: (Required) Feb. 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740** (a) Circle One: *EC* or *CCR*

   Topic of the waiver: QEIA Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires. Not a renewal waiver

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Feb. 7, 13, 2012

   Name of bargaining unit and representative(s) consulted: Lynwood Teachers Association , Joseph Powell (vice president), Ida Carbajal (president), Jesus Escandon and Norma Sanchez

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X__ Notice posted at each school _ Other: School website *(Please specify)*

5. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Feb. 7, 13, 2012

   Name of bargaining unit and representative(s) consulted: Lynwood Teachers Association, Joseph Powell (vice president), Ida Carbajal (president), Jesus Escandon and Norma Sanchez

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

5.Education Code or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.**740** (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

6. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

For class size reduction- LUSD was asked to staff at 17/1 for elementary schools due to the base year class size being low as LUSD was making an effort to keep classes under 20 before QEIA funding. Continuing to staff at 17/1 instead of 20/1 would result in a $1.5 million encroachment on the general fund. We could staff at 20/1 as most districts are asked to do and could hit target next year. The school is located in an urban area consisting of many English learners and low income. Enrollment varies throughout the year due to the nature of family dynamics. QEIA funding is assisting Lynwood Middle School in its efforts to have a low student teacher ratio. Without QEIA's funding the school would not be able to continue to have a low student teacher ratio and continue API growth.

5. Demographic Information:
Lynwood Unified School District's Lynwood Middle School has a student population of 1,568 and is located in an urban area in Los Angeles County. The student population is predominantly Hispanic or Latino (92%), 28% are English learners and the vast majority are socioeconomically disadvantaged, with 91% receiving free or reduced price lunches.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 181-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Will Rogers Elementary School **CDS Code:** 19 64774 6020309
Lynwood Unified School District

Local Educational Agency Request:

Lynwood Unified School District (USD) is an urban district located in Los Angeles County with a student population of approximately 16,359 students. Will Rogers Elementary School (ES) serves 805 students in kindergarten and grades one through six (K–6). Monitoring performed by the Los Angeles County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 20.44 (K–3), 23.8, 25.0, and 24.1, respectively.

Lynwood USD states that Will Rogers ES is located in an urban area consisting of many English learners and low income families where enrollment varies throughout the year due to the nature of local family dynamics. QEIA funding has been assisting Will Rogers ES in its efforts to have a low student teacher ratio, and without this funding the school would not continue to show academic improvement. The district states that staffing at the QEIA CSR levels is encroaching on the general fund.

Lynwood USD requests a waiver for exceeding its QEIA CSR target for one grade one class at Will Rogers ES by .16.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lynwood USD's request that CSR requirements for one grade one class at Will Rogers ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to one grade one class at Will Rogers ES for school year 2010–11; (2) Will meet previously established QEIA CSR targets beginning in 2011–12 and going forward; and (3) Within 30 days of approval of this waiver, Lynwood USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Lynwood Middle Schoolsite Council on February 23, 2012.

Supported by Lynwood Teachers Association, February 7 and 23, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	2	0	3	0	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Lynwood Unified School District	Yesenia Fernández, Acting Director, instructional services	yfernandez@lynwood.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
Lynwood Unified School District, 11321 Bullis Road, Lynwood, CA 90262	(310) 886-1600 Ext. 76637 Fax Number: (310) 763-0959

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1, 2010 To: JUNE 30, 2011	Feb. 14, 2012	Feb. 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740** (a) Circle One: *EC* or *CCR*

   Topic of the waiver: QEIA Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires. Not a renewal waiver

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): Feb. 7, 13, 2012

   Name of bargaining unit and representative(s) consulted: Lynwood Teachers Association, Joseph Powell (vice president), Ida Carbajal (president), Jesus Escandon and Norma Sanchez

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Will Rogers Elementary School Site Council

   Date the committee/council reviewed the waiver request: Feb. 23, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.**740** (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

For class size reduction- LUSD was asked to staff elementary schools at 17/1 due to the base year class size being low as LUSD was making an effort to keep classes under 20 before QEIA funding. Continuing to staff at 17/1 instead of 20/1 would result in a $1.5 million encroachment on the general fund. We could staff at 20/1 as most districts are asked to do and could hit target next year. The school is located in an urban area consisting of many English learners and low income. Enrollment varies throughout the year due to the nature of family dynamics. QEIA funding is assisting Will Rogers Elementary School in its efforts to have a low student teacher ratio. Without QEIA's funding the school would not be able to continue to have a low student teacher ratio and continue API growth.

8. Demographic Information:
Lynwood Unified School District's Will Rogers Elementary School has a student population of 805 and is located in an urban area in Los Angeles County. The student population is predominantly Hispanic or Latino (93%), 50% are English learners. The majority are socioeconomically disadvantaged, with 86 percent receive free or reduced price lunches.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No x☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No x☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 50-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Horace Mann Elementary School **CDS Code:** 01 61259 6001929
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Horace Mann Elementary School (ES) has a student population of approximately 106 students in kindergarten and grades one through five (K–5). Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11.The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and five 19.0, and 16.0, respectively.

Oakland USD states that, as a means of meeting both the CSR requirement and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student-to-teacher ratios higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Horace Mann ES for school year 2010–11 and the establishment of an alternative CSR target of 25.0 per class in kindergarten through grade three and 25.0 on average per class in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to increase its CSR targets for kindergarten and grades one through five at Horace Mann ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through five classes at Horace Mann ES for school year 2010–11; (2) Horace Mann ES increase to 25.0 per class in kindergarten through grade three and 25.0 per class size on average in core classes in grades four and five for school year 2010–11; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Horace Mann Elementary Schoolsite Council on January 10, 2011.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	0	1	9	2	9

Local educational agency: Oakland Unified School District on behalf of Horace Mann Elementary School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: 1025 Second Ave. (City) Oakland, (State) CA (ZIP) 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class size Reduction Targets temporarily increased.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   __X_ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Horace Mann SSC – 01/10/20102

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program
(i) At least five pupils fewer per classroom than was the average in 2006-07.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is requesting that the Class Size Reduction Targets established for Horace Mann Elementary School of 20.4 in grades K - 3, 19.00 in grade 4 and 16.0 in grade 5, and be increased to 25 students in these grade levels for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a “push-in” model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Horace Mann Elementary School the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a “push-in” model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Horace Mann Elementary School has a student population of 344.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 52-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Garfield Elementary School **CDS Code:** 01 61259 6001846
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Garfield Elementary School (ES) has a student population of approximately 581 students in kindergarten and grades one through five (K–5). Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and five, 25.0 and 25.0, respectively.

Oakland USD states that, as a means of meeting both the CSR requirement and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student-to-teacher ratio higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR targets for grades two and three at Garfield ES for school year 2010–11 and the establishment of an alternative CSR target of 22.0 per classroom in grades two and three.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to increase its CSR target for grades two and three at Garfield ES.

The CDE recommends approval with the following conditions: (1) Applies only to grade two and three classes at Garfield ES for school year 2010–11; (2) Garfield ES increase to 22.0 per classroom in grades two and three for school year 2010–11; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Garfield Elementary Schoolsite Council on January 10, 2011.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	0	1	8	4	6

Local educational agency: Oakland Unified School District on behalf of Garfield Elementary School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: (City) (State) (ZIP) 1025 Second Ave. Oakland, CA 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class size Reduction Targets temporarily increased.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Garfield SSC – 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is requesting that the Class Size Reduction Targets established for Garfield Elementary School of 20.4 for 2nd and 3rd grade be increased to 21 students in these grade levels for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Garfield Elementary School the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Garfield Elementary School has a student population of 581.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 55-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Claremont Middle School **CDS Code:** 01 61259 6057004
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Claremont Middle School (MS) has a student population of approximately 476 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science for grades six through eight were 17.15, 18.58, and 19.25, respectively.

Oakland USD states that, as a means of meeting both the CSR requirement and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student to teacher ratio higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR targets for grades six through eight at Claremont MS for school year 2010–11 and the establishment of an alternative CSR target of 25.0 students on average in core classes in grades six through eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to increase its CSR targets for grades six through eight at Claremont MS.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight classes at Claremont MS for school year 2010–11; (2) Claremont MS increase to 25.0 students on average in core classes in grades six through eight for school year 2010–11; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Claremont Middle Schoolsite Council on January 10, 2011.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	5	7	0	0	4

Local educational agency: Oakland Unified School District on behalf of Claremont Middle School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: 1025 Second Ave. (City) Oakland, (State) CA (ZIP) 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Temporarily increase class size targets for the 2010-2011 school year.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Claremont MS SSC – 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(i) At least five pupils fewer per classroom than was the average in 2006-07.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

8.

This Waiver is requesting that the Class Size Reduction Targets established for Claremont Middle School of 17.15 in grade 6, 18.58 in grade 7, and 19.25 in grade 8 be increased to 25 students in these grade levels for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Claremont Middle School the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

Please refer to the attachment for additional information.

9. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Claremont Middle School has a student population of 476.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 56-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Manzanita Community School **CDS Code:** 01 61259 6002042
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Manzanita Community School (CS) has a student population of approximately 292 students in kindergarten and grades one through five (K–5). Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and five 18.33 and 16.33, respectively.

Oakland USD states that, as a means of meeting both the CSR requirement and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student to teacher ratio higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR targets for kindergarten and grades three and five at Manzanita CS for school year 2010–11 and the establishment of an alternative CSR target of 22.0 students per class in kindergarten and grade three and 16.5 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to increase its CSR targets for kindergarten and grades three and five at Manzanita CS.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades three and five classes at Manzanita CS for school year 2010–11; (2) Manzanita CS increase to 22.0 students per class in kindergarten and grade three and 16.5 on average in core classes in grade five for school year 2010–11; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Manzanita Community Schoolsite Council on January 10, 2011.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	0	2	0	4	2

Local educational agency: Oakland Unified School District on behalf of Manzanita Community School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: (City) (State) (ZIP) 1025 Second Ave. Oakland, CA 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class size Reduction Targets temporarily increased.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Manzanita SSC 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program
(i) At least five pupils fewer per classroom than was the average in 2006-07.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is requesting that the Class Size Reduction Targets established for Manzanita Community School of 18.33 for 4th grade, 16.33 for 5th grade, and be increased to 25 students in these grade levels for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Manzanita Community School the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Manzanita Community School has a student population of 292.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 58-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Martin Luther King Jr. Elementary School **CDS Code:** 01 61259 6072235
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Martin Luther King Jr. Elementary School (ES) has a student population of approximately 262 students in kindergarten and grades one through five (K–5). Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and 5, 25.0 and 16.5, respectively.

Oakland USD states that, as a means of meeting both the CSR requirement and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student to teacher ratio higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR target for grade five at Martin Luther King Jr. ES for school year 2010–11 and the establishment of an alternative CSR target of 25.0 students on average in core classes in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to increase its CSR target for grade five at Martin Luther King Jr. ES.

The CDE recommends approval with the following conditions: (1) Applies only to grade five classes at Martin Luther King Jr. ES for school year 2010–11; (2) Martin Luther King Jr. ES increase to 25.0 students on average in core classes in grade five for school year 2010–11; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Martin Luther King Jr. Elementary Schoolsite Council on January 10, 2011.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	7	2	2	3	5

Local educational agency: Oakland Unified School District on behalf of Martin Luther King Jr. Elementary School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: 1025 Second Ave. (City) Oakland, (State) CA (ZIP) 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class size Reduction Targets temporarily increased.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   __X_ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Martin Luther King Jr. SSC – 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program
(i) At least five pupils fewer per classroom than was the average in 2006-07.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

8.

This Waiver is requesting that the Class Size Reduction Targets established for Martin Luther King Jr. Elementary School of 16.5 for 5th grade, and be increased to 25 students in this grade level for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Martin Luther King Jr. Elementary School the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

9. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Martin Luther King Jr. Elementary School has a student population of 265.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 60-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Urban Promise Academy **CDS Code:** 01 61259 6118657
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Urban Promise Academy has a student population of approximately 304 students in grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met for school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science for grades six through eight were 16.0, 16.35, and 16.94, respectively.

Oakland USD states that, as a means of meeting both the CSR requirement and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student to teacher ratio higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR target for grades six through eight at Urban Promise Academy for school year 2010–11 and the establishment of an alternative CSR target of 24.0 students on average in core classes in grades six through eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to increase its CSR targets for grades six through eight at Urban Promise Academy.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight classes at Urban Promise Academy for school year 2010–11; (2) Urban Promise Academy increase to 24.0 students on average in core classes in grades six through eight for school year 2010–11; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Urban Promise Academy Schoolsite Council on January 10, 2011.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	1	1	8	6	5	7

Local educational agency: Oakland Unified School District on behalf of Urban Promise Academy	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: (City) (State) (ZIP) 1025 Second Ave. Oakland, CA 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class size Reduction Targets temporarily increased.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   __X_ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted in Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Urban Promise Academy SSC – 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(i) At least five pupils fewer per classroom than was the average in 2006-07.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is requesting that the Class Size Reduction Targets established for Urban Promise Academy of 16.00 for 6th grade, 16.35 for 7th grade, and 16.94 for 8th grade be increased to 24 students in every grade level for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Urban Promise Academy the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Urban Promise Academy has a student population of 304.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

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Staff Name (*type or print*):	Staff Signature:	Date:

Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 74-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014
Period Recommended: July 1, 2010, to June 30, 2011
Rolling Hills Middle School **CDS Code:** 44 69799 6049787
Pajaro Valley Unified School District

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is located in Santa Cruz County with a student population of approximately 19,458 students. Rolling Hills Middle School (MS) has a student population of approximately 575 students in grades six through eight. Monitoring performed by the Santa Cruz County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Rolling Hills MS for grades six through eight non-core classes for school year 2010–11. Rolling Hills MS's current QEIA non-core class size target for grades six through eight is 29.6.

Pajaro Valley USD states that because of budget constraints, maintaining the non-core class size requirements for grades six through eight has been a challenge. The district states that this waiver is necessary because of enrollment fluctuations that occurred in the district due the number of students moving from school to school. The district states that daily enrollment fluctuates significantly, while staffing normally remains constant to create stability and consistency for the students. Pajaro Valley USD states that a significant decrease in school funding has made maintaining class size targets unattainable.

Pajaro Valley USD requests a waiver for exceeding its QEIA non-core class size target for grades six through eight at Rolling Hills MS for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pajaro Valley USD's request to waive its QEIA non-core class size target for grades six through eight at Rolling Hills MS for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight classes at Rolling Hills MS for school year 2010–11; (2) Rolling Hills MS will meet its previous QEIA CSR target for non-core classes for school year 2011–12; and (3) Within 30 days of approval of this waiver, Pajaro Valley USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Rolling Hills Middle Schoolsite Council on December 6, 2011.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency: Pajaro Valley Unified School District for **Rolling Hills Middle School**	Contact name and Title: Ylda Nogueda, Assistant Superintendent	Contact person's e-mail address: ylda_nogueda@pvusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
294 Green Valley Rd.	Watsonville	CA	95076	(831) 786-2133 Fax Number: (831) 761-0334

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 07/01/2010 To: 06/30/2014	2/8/12	2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA - Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Rolling Hills School Site Council
   Date the committee/council reviewed the waiver request:
   12/6/11
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

   The Pajaro Valley Unified School District is requesting a waiver on behalf of Rolling Hills Middle School, to waive 52055.740 (a)(1)
   See Attachment

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Rolling Hills Middle School has seen many positive changes due to the involvement in the QEIA Program. As a result, the school has seen steady increases in academic growth rate of the Academic Performance Index (API). But due to the budget constraints, maintaining class size requirement in 6, 7, and 8 in non-core classes has been a challenge. PVUSD is committed to continued implementation of the QEIA Program at Rolling Hills Middle Schools in which the average is 85% of students are low income and 86% English Learners, and a high mobility rate. The district is requesting that the State Board of Education support the district efforts and allow for adjusted CSR targets.

   We are requesting to approve a change in the target numbers for non-core classes in grades. 6, 7, & 8. This request is due to enrollment fluctuations that occurred in our district due to the high student transit. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The significant decrease in funding has made maintaining class size targets unattainable. We have explored other options, such as moving students, putting more students in non-QEIA schools. Pajaro Valley Unified School District on behalf of Rolling Hills Middles School is requesting a waiver on meeting the current target of 29.6 for non-core classes. Rolling Hills exceeded their target of 29.6 in non-core classes, but was very close, the average for the non-core was 31. The approval of this waiver would allow us to continue QEIA class size implementation while meeting the demands of the student mobility.

   2010-2011 was the only year that Rolling Hills Middle School was found not to have met CRS for non-core classes of the requirements for QEIA funding at one hundred percent. Please note that our district is committed to ensuring compliance for non-core classes in grades 6, 7, and 8 with CSR target requirements. Additionally, Rolling Hills Middle School met all other requirements of QEIA legislation during 2010-2011: Teacher Experience Index, Highly Qualified, Professional Development, Williams Regulations, and the Academic Index growth target.

8. Demographic Information:
   Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

QUESTION 6 – ATTACHMENT
EDUCATION CODE SECTION 52055.740

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

~~(i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

~~(i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Waiver Number: 75-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014
Period Recommended: July 1, 2010, to June 30, 2011
E. A. Hall Middle School **CDS Code:** 44 69799 6049688
Pajaro Valley Unified School District

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is located in Santa Cruz County with a student population of approximately 19,458 students. E. A. Hall Middle School (MS) has a student population of approximately 570 students in grades six through eight. Monitoring performed by the Santa Cruz County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by E. A. Hall MS for grades six through eight non-core classes for school year 2010–11. E. A. Hall MS's current QEIA non-core class size target for grades six through eight is 30.9.

Pajaro Valley USD states that because of budget constraints, maintaining the non-core class size requirements for grades six through eight has been a challenge. The district states that this waiver is necessary because of enrollment fluctuations that occurred in the district due the number of students moving from school to school. The district states that daily enrollment fluctuates significantly, while staffing normally remains constant to create stability and consistency for the students. Pajaro Valley USD states that a significant decrease in school funding has made maintaining class size targets unattainable.

Pajaro Valley USD requests a waiver for exceeding its QEIA non-core class size target for grades six through eight at E. A. Hall MS for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pajaro Valley USD's request to waive its QEIA non-core class size target for grades six through eight at E. A. Hall MS for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to grades six through eight classes at E. A. Hall MS for school year 2010–11; (2) E. A. Hall MS will meet its previous QEIA CSR target for non-core classes for school year 2011–12; and (3) Within 30 days of approval of this waiver, Pajaro Valley USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by E. A. Hall Middle Schoolsite Council on January 26, 2012.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency: Pajaro Valley Unified School District for **E.A. Hall Middle School**	Contact name and Title: Ylda Nogueda, Assistant Superintendent	Contact person's e-mail address: ylda_nogueda@pvusd.net
Address: (City) (State) (ZIP) 294 Green Valley Rd. Watsonville CA 95076		Phone (and extension, if necessary): (831) 786-2133 Fax Number: (831) 761-0334
Period of request: (month/day/year) From: 07/01/2010 To: 06/30/2014	Local board approval date: (Required) 2/8/12	Date of public hearing: (Required) 2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA – Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   E.A. Hall Middle School Site Council
   Date the committee/council reviewed the waiver request:
   1/26/12
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of E.A. Hall Middle School, to waive 52055.740 (a)(1)
See Attachment

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

E. A. Hall Middle School has seen many positive changes due to the involvement in the QEIA Program. As a result, the school has seen steady increases in academic growth rate of the Academic Performance Index (API). But due to the budget constraints, maintaining class size requirement in grades 6, 7 and 8 non-core classes has been a challenge. PVUSD is committed to continued implementation of the QEIA Program at E.A. Hall Middle School in which the average is 89% of students are low income and 85% English Learners, and a high mobility rate. The district is requesting that the State Board of Education support the district efforts and allow for adjusted CSR targets.

We are requesting to approve a change in the target numbers for grades 6, 7, and 8 non-core classes. This request is due to enrollment fluctuations that occurred in our district due to the high student transit. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The significant decrease in funding has made maintaining non-core class size targets unattainable. We have explored other options, such as moving students, putting more students in non-QEIA schools. Pajaro Valley Unified School District is requesting a waiver on meeting the current non-core class size target for 6, 7, and 8. E.A. Hall Middle School exceeded their target of 31 in the non-core classes, but was very close, the average for the non-core classes was 31.5. The approval of this waiver would allow us to continue QEIA class size implementation while meeting the demands of the student mobility.

2010-2011 was the only year that E.A. Hall was found not to have met CSR for non-core classes of the requirements for QEIA funding at one hundred percent. Please note that our district is committed to ensuring compliance with the QEIA CSR target requirements.

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

QUESTION 6 – ATTACHMENT
EDUCATION CODE SECTION 52055.740

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

~~(i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

~~(i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Waiver Number: 78-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014
Period Recommended: July 1, 2010, to June 30, 2011
Ohlone Elementary School **CDS Code:** 44 69799 6108138
Pajaro Valley Unified School District

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is located in Santa Cruz County with a student population of approximately 19,458 students. Ohlone Elementary School (ES) has a student population of approximately 494 students in kindergarten and grades one through five (K–5). Monitoring performed by the Santa Cruz County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Ohlone ES in one kindergarten class, one grade one class, and one grade three class. In addition, the school exceeded the QEIA class size cap of 27 students per classroom for school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and five, 25.0 and 25.0 respectively.

Pajaro Valley USD states that this waiver is necessary because of enrollment fluctuations that occurred in the district due the number of students moving from school to school. The district states that daily enrollment fluctuates significantly, while staffing normally remains constant to create stability and consistency for the students. Pajaro Valley USD states that a significant decrease in school funding has made maintaining class size targets unattainable.

Pajaro Valley USD requests a waiver for exceeding its QEIA CSR target for one kindergarten class, one grade one class, and one grade three class at Ohlone ES for school year 2010–11. In addition, the district requests a waiver for exceeding the QEIA class size cap of 27 students per core classroom for one grade four class and two grade five classes at Ohlone ES for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Pajaro Valley USD's request to waive its CSR target for one kindergarten class, one grade one class, and one grade three class at Ohlone ES for school year 2010–11. In addition, the CDE supports the district's request that the QEIA 27-student cap per core classroom be waived for one grade four class and two grade five classes at Ohlone ES for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten, grade one, and grades three through five classes at Ohlone ES for school year 2010–11; (2) Ohlone ES will meet its previous QEIA CSR target for non-core classes for school year 2011–12; and (3) Within 30 days of approval of this waiver, Pajaro Valley USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement

activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Ohlone Elementary Schoolsite Council on December 8, 2011.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency: Pajaro Valley Unified School District for **Ohlone Elementary School**	Contact name and Title: Ylda Nogueda, Assistant Superintendent	Contact person's e-mail address: ylda_nogueda@pvusd.net
Address: (City) (State) (ZIP) 294 Green Valley Rd. Watsonville CA 95076		Phone (and extension, if necessary): (831) 786-2133 Fax Number: (831) 761-0334
Period of request: (month/day/year) From: 07/01/2010 To: 06/30/2014	Local board approval date: (Required) 2/8/12	Date of public hearing: (Required) 2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA - Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Ohlone School Site Council
   Date the committee/council reviewed the waiver request:
   12/8/11
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of Ohlone Elementary, to waive 52055.740 (a)(1)
See Attachment

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Ohlone Elementary has seen many positive changes due to the involvement in the QEIA Program. As a result, the school has seen steady increases in academic growth rate of the Academic Performance Index (API). But due to the budget constraints, maintaining class size requirement in the K-3, and 4-5 has been a challenge. PVUSD is committed to continued implementation of the QEIA Program at Ohlone Elementary in which the average is 93% of students are low income. Ohlone Elementary has a student population of 494 with 83% English Learners and a high mobility rate. The district is requesting that the State Board of Education support the district efforts and allow for adjusted CSR targets.

We are requesting to approve a change in the target numbers for K-3. This request is due to enrollment fluctuations that occurred in our district due to the high student transit. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The significant decrease in funding has made maintaining class size targets unattainable. We have explored other options, such as moving students, putting more students in non-QEIA schools. Ohlone School did not meet the K-3 targets of 20.44 in 1 class in kinder, one class in 1st and one class in 3rd. The approval of the waiver would allow us to continue QEIA class size implementation while meeting the demands of the student mobility.

2010-2011 was the only year that Ohlone Elementary was found not to have met CSR requirements for K-3 QEIA funding at on hundred percent. Please note that our district is committed to ensuring compliance for K-3 QEIA requirements. Additionally, Ohlone met all other requirements of QEIA legislation during 2010-2011: Teacher Experience Index, Highly Qualified, Professional Development, Williams Regulations, and the Academic Performance Index growth targets

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

QUESTION 6 – ATTACHMENT
EDUCATION CODE SECTION 52055.740

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Waiver Number: 128-2-2012 **Period of Request:** July 1, 2012, to June 30, 2014
Period Recommended: July 1, 2012, to June 29, 2014
Romoland Elementary School **CDS Code:** 33 67231 6032791
Romoland Elementary School District

Local Educational Agency Request:

Romoland Elementary School District (ESD) is a rural school district located in Riverside County with a student population of approximately 2,987 students. Romoland Elementary School (ES) has a student population of approximately 453 students in kindergarten and grades one through five (K–5). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target for school year 2012–13. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and five, 25.0 and 24.5, respectively.

Romoland ESD states that cuts to revenue limit funding have resulted in an increase of the student-to-teacher ratio in all schools in the district. The district states that all non-QEIA classes have grown into a 30:1 staffing ratio, and the general fund is currently funding three additional teachers to meet the QEIA class size requirements. To continue the QEIA program goals and objectives and to mitigate increased enrollment and keep students at their home school, the district is seeking this waiver.

Romoland ESD requests a waiver of the QEIA CSR targets for K–5 at Romoland ES for school years 2012–13 and 2013–14 and the establishment of an alternative CSR target of 25.0 per class in K–3 and 25.0 on average per class in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Romoland ESD's request to increase its CSR targets for K–5 at Romoland ES.

The CDE recommends approval with the following conditions: (1) Applies only to K–5 classes at Romoland ES for school years 2012–13 and 2013–14; (2) Romoland ES increase to 25.0 per class in K–3 and 25.0 per class size on average in core classes at the school level in grades four and five for school years 2012–13 and 2013–14 with no class exceeding 27; and (3) Within 30 days of approval of this waiver, Romoland ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Romoland Elementary Schoolsite Council on February 2, 2012.

Supported by Romoland Teachers Association, January 11, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	3	6	7	2	3	1

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Romoland Elementary School District	Hilda Swain Chief Business Official	hswain@romoland.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
25900 Leon Rd	Homeland	CA	92548	951-926-9244 Fax Number: 951-926-2170

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/12 To: 6/30/14	2/14/12	2/14/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): EC 52055.740 (a), (b) (c) Circle One: ***EC*** or *CCR*
Topic of the waiver: Asks for the authority to waive both the average class size as well as the individual class size for the QEIA program at Romoland Elementary school..

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Romoland Teachers Association 1/11/2012

Name of bargaining unit and representative(s) consulted: Romoland Teachers Association; Jay Greenberg, President

The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

Comments (if appropriate): See Attachment

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Romoland Elementary School Site Council
Date the committee/council reviewed the waiver request: 2/2/12

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
See Attachment.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.
See Attachment.

8. Demographic Information:
Romoland Elementary School has a student population of 453 and is located in a small rural city in Riverside County.
x

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

The Romoland Teachers Association has taken a neutral stance on the class size waivers for QEIA, grades Kindergarten to Third and grades Fourth to Eighth.

It is our belief as an Association that the needs of our students are best served in classrooms with a lower class size, so that the academic needs of the students can be addressed. The greater the amount of students in a classroom limits the ability of a teacher to provide an excellent educational experience, while having to focus more on the classroom management of a larger group of students.

Unfortunately, we also realize that in this time of fiscal uncertainty, it is very difficult to prepare for all of the contingencies a school year may bring, such as a decrease in ADA. In light of this, the Association understands the necessity of the class size waivers, as the District administration begins its planning for the 2012 to 2013 school year. This will allow for a gradual increase of class size, while maintaining our educational programs and highly qualified staff.

Jay B. Greenberg
President, Romoland Teachers Association CTA/NEA

#6 Education Code or California Code of Regulations section to be waived:

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) ~~Meet all of the following class size requirements:~~

~~(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).~~

~~(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:~~

~~(i) At least five pupils fewer per classroom than was the average in 2006-07.~~

~~(ii) An average of 25 pupils per classroom.~~

~~(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.~~

~~(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:~~

~~(i) At least five pupils fewer per classroom than was the average in 2006-07.~~

~~(ii) An average of 25 pupils per classroom.~~

7. Desired outcome/rationale. The District is requesting a QEIA class size target of 25 students per classroom in grades Kindergarten through Third. In grades Fourth and Fifth the CSR target in core classes at each grade level is being requested to be 25, not to exceed 27 pupils per classroom. The waiver time period being requested is July 1, 2012 through June 30, 2014.

State level cuts to revenue limit funding have resulted in an increase of the student to teacher ratio in all schools in the district. Currently, all Kindergarten through Eighth grade non-QEIA classes have grown into a 30:1 staffing ratio. The one QEIA school is staffed at 20:1 in grades Kindergarten through Third and 25:1 and 24.5:1 respectively at grades Fourth and Fifth. The general fund is currently funding three additional teachers to meet the QEIA class size requirements. Romoland Elementary, the QEIA school, is a Title I school, 97% free and reduced lunch student eligibility, and 64% English language learners. The current QEIA grant would allow the school to maintain a 25:1 and 27:1 staffing ratio and continue their QEIA/School Site Plan goals and objectives without general fund encroachment. Professional development, articulation and intervention have been primary goals and objectives. The school has improved its API scores dramatically over the years. Romoland scored an 810 API in 2010-11 which was a 110 point growth.

To continue the QEIA program goals and objectives and to mitigate increased enrollment and keep students at their home school the district would like to waive the class size requirements at the one QEIA school for the 2012/13 and 2013/14 school year. While this QEIA class size waiver will increase class size at the Romoland Elementary School, the requested class size target of 25:1 in Kindergarten through Third grade per classroom and 25:1 in Fourth and Fifth grade not to exceed 27 students per classroom, remains lower than the district wide class size of 30:1 in grades Kindergarten through Eighth grades at the non QEIA schools.

Waiver Number: 102-2-2012 **Period of Request:** July 1, 2012, to June 30, 2014
Period Recommended: July 1, 2012, to June 29, 2014
Ethel Phillips Elementary School **CDS Code:** 34 67439 6033955
Sacramento City Unified School District

Local Educational Agency Request:

Sacramento City Unified School District (USD) is an urban school district located in Sacramento County with a student population of approximately 47,896 students. Ethel Phillips Elementary School (ES) has a student population of approximately 430 students in kindergarten and grades one through six (K–6). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four through six 25.0, 23.0, and 25.0, respectively.

Sacramento City USD states that Ethel Phillips ES has had several years of QEIA funding and as a result has had success in various areas. The district states that with approval of the class sizes requested, Ethel Phillips ES will continue to provide the continuous support for families and the opportunity for a high quality education.

Sacramento City USD requests a waiver of the QEIA CSR targets for K–3 and grade five at Ethel Phillips ES for school year 2012–13 and the establishment of an alternative CSR target of 23.0 per class in K–3 and 25.0 on average in grade five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Sacramento City USD's request to increase its CSR target for K–3 and grade five at Ethel Phillips ES.

The CDE recommends approval with the following conditions: (1) Applies only to K–3 and grade five classes at Ethel Phillips ES for the period July 1, 2012 through June 29, 2014; (2) Ethel Phillips ES increase to 23.0 the class size in K–3 and 25.0 on average in core classes at the school level in grade five, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, Sacramento City USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Ethel Phillips Elementary Schoolsite Council on February 7, 2012.

Supported by Sacramento California Teachers Association, January 31 and March 25, 2012.

Local Board Approval: February 16, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						

Local educational agency: Sacramento City Unified School District Ethel Phillips Elementary School	Contact name and Title: Mary Hardin Young, Area Asst Supt Daniel Hernandez,Principal	Contact person's e-mail address: mary-hardinyoung@scusd.edu
Address: (City) (State) (ZIP) 5735 47th Avenue Sacramento, CA, 95824		Phone (and extension, if necessary): (916)643-9009
Period of request: (month/day/year) From: **July 1, 2012** To: **June 30, 2014 or for life of program.**	Local board approval date: (Required) **February 16, 2012**	Date of public hearing: (Required) **February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: **EC** or *CCR*

   Topic of the waiver: (QEIA) Quality Education Investment Act.- Class size reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **March 25, 2011 and January 31, 2012**

   Name of bargaining unit and representative(s) consulted: **Scott Smith, President**
   Sacramento California Teachers Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)* SCUSD Website and Main Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Ethel Phillips School Site Council
   Date the committee/council reviewed the waiver request: **February 7, 2012**

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
   a. For kindergarten and grades 1 to 3, inclusive, no more than ~~20~~ pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
   b. For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii) as follows:
      ~~i. At least five pupils per classroom than the average in 2006-2007~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   Please see attached document.

8. Demographic Information:
   (*District/school/program)_Ethel Phillips Elementary school in Sacramento City Unified School District* has a student population of 430 students and is located in an Urban (*urban, rural, or small city etc.)* in Sacramento County.
   The unique situation of Ethel Phillips is that of a school with a high population of TITLE I families. In fact, during the duration of the grant and beyond, the school has been eligible for school wide free lunch. There are 58% of the student population that are English learners, 67.9% of the student population is Hispanic/Latino. The socioeconomically disadvantaged population is 96.9%. (2011, School Accountability Report Card, CDE)

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

7. Desired Outcome/Rationale

QEIA Waiver 2012 for Class size –Ethel Phillips Elementary

Sacramento City Unified school District requests on behalf of Ethel Phillips a permanent single QEIA baseline target of 23:1 for grades Kindergarten to third, and a permanent QEIA baseline target of 25:1 for 5th grade, to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2012 to June 30, 2014.

Ethel Phillips Elementary has had several years funding via QEIA and as a result has had success in various areas. Although QEIA is a many pronged approach, we believe that one of our most valuable components to the success is directly associated with the professional development of our teachers and lower class sizes provided for all classes. The students, staff and parents of our community value the size of our classrooms. In fact many students and families that have come from other schools find that there is a unique and definite opportunity to succeed. We find small group interventions allow for first instruction with small class size to benefit all students at the various levels of academic proficiency.

Each year, Ethel Phillips has a small number of students per grade level that are turned away. With the new proposed class size in Kindergarten through third grade, Ethel Phillips will have fewer students, if any, excluded from our program. Ethel Phillips will be better able to continue to provide for continuous support for our families and provide the opportunity for a high quality education. We will also be able to keep siblings together at the same school, while still providing small class sizes and quality first instruction.

The request to change the 5th grade class size is an effort to keep our families over the period of the three years in intermediate. Our current targets in 4th, and 6th grade are 25:1, however our 5th grade target is 23:1. This creates a scenario in which we have potentially two families that attended our school in 4th grade and are possibly losing a seat in 5th grade only to be asked to return in 6th grade. Our goal is to provide the instruction to the same families over the three years. While schools always experience some transition of students, this is an avoidable movement by allowing this number to be waived.

Over the duration of the QEIA grant, Ethel Phillips has had consistent growth in API. From 2005 to 2011, the API for Ethel Phillips has increased 143 points including a high API score of 781. Ethel Phillips has made its API targets as set forth by QEIA. Ethel Phillips has also made AYP goals two years during the period of the QEIA grant. Currently Ethel Phillips is in Program Improvement Year 5 and has been in Program Improvement since 2004-2005.

Waiver Number: 103-1-2012 **Period of Request:** July 1, 2012, to June 30, 2014
Period Recommended: July 1, 2012, to June 29, 2014
Luther Burbank High School **CDS Code:** 34 67439 3431012
Sacramento City Unified School District

Local Educational Agency Request:

Sacramento City Unified School District (USD) is an urban school district located in Sacramento County with a student population of approximately 47,896 students. Luther Burbank High School (HS) has a student population of approximately 1,800 students in grades nine through twelve. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2013–14. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science for grades nine through twelve are 18.1, 21.6, 22.6, and 22.9, respectively.

Sacramento City USD states that the lower class sizes in grades nine through eleven at Luther Burbank HS were established at the time when additional funding resources were available to keep classes low. The district states that the elimination of CSR funds and decreased Title I allocations make the continuation of the prescribed class size averages impossible.

Sacramento City USD requests a waiver of the QEIA CSR targets for grades nine through eleven at Luther Burbank HS for school year 2012–13 and the establishment of an alternative CSR target of 22.9 on average in grades nine through eleven.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Sacramento City USD's request to increase its CSR target for grades nine through eleven at Luther Burbank HS.

The CDE recommends approval with the following conditions: (1) Applies only to grades nine through eleven classes at Luther Burbank HS for the period July 1, 2012 through June 29, 2014; (2) Luther Burbank HS increase to 22.9 the class size on average in core classes at the school level in grades nine through eleven, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, Sacramento City USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Luther Burbank High Schoolsite Council on February 6, 2012.

Supported by Sacramento California Teachers Association, January 31 and March 25, 2012.

Local Board Approval: February 16, 2012.

SCALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE

Local educational agency:	Contact name and Title:	Contact e-mail:
Sacramento City Unified School District **Luther Burbank High School**	**Mary Hardin Young, Area Asst Supt** **Ted Appel, Principal**	**mary-hardinyoung@scusd.edu**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
5735 47th Avenue	**Sacramento**	**California**	**95824**	**916-643-9009** FAX Number: **916-643-2535**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **July 1, 2012** To: **June 30, 2014**	**February 16, 2012**	**February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: ***EC*** or *CCR*

   Topic of the waiver: **QEIA – Class Size Reduction**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ **Not Applicable** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **March 25, 2011 and January 31, 2012**

   Name of bargaining unit and representative(s) consulted: **Sacramento City Teachers' Association**
   Scott Smith, President

   The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* SCUSD Website and Main Office

5. Advisory committee or **school site councils**. Please identify the council(s) or committee that reviewed this waiver:
   Luther Burbank School Site Council
   Date the committee/council reviewed the waiver request: **February 6, 2012**

   Were there any objection(s)? No **x** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740, (a) for each funded school, the county superintendent of schools for the county I which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, and aver age classroom size that is the lesser of clause (i) or (ii) as follows:
(i) ~~At least five pupils fewer per classroom than was the average in 2006-07.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Luther Burbank High School requests a waiver to increase the QEIA targets of 18.6 in 9th grade, 21.6 in the 10th grade and 22.6 in the 11th grade to be increased to 22.9. The increase is requested in order to make the average class sizes in 9th, 10th and 11th grades consistent with the current 12th grade average per student ratio. The lower ratios in 9th through 11th grades were established at the time that Luther Burbank had used federal and state CSR allocations to lower 9th grade. Additional categorical funds were used to provide interventions for students behind grade level, thus lowering the class sizes at the 10th and 11th grades. Elimination of CSR funds and decreased Title I allocations make the continuation of the proscribed 9th, 10th, and 11th grade class size averages impossible.

Luther Burbank High School is committed to continued implementation of the QEIA program, in which significant gains in the API have already been realized. The school is requesting that the State Board of Education support the school's efforts, and allow for an adjusted 9th – 11th grade QEIA target of 22.9.

8. Demographic Information:
Luther Burbank High School has a student population of 1800 and is located in a urban area in Sacramento County. The student population if 32% Hispanic, 42% Asian, 17% African American, 9% Other, 45% English Learners, 85% Low Income.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 104-2-2012 **Period of Request:** July 1, 2012, to June 30, 2014
Period Recommended: July 1, 2012, to June 29, 2014
Hiram Johnson High School **CDS Code:** 34 67439 3434636
Sacramento City Unified School District

Local Educational Agency Request:

Sacramento City Unified School District (USD) is an urban school district located in Sacramento County with a student population of approximately 47,896 students. Hiram Johnson High School (HS) has a student population of approximately 1,600 students in grades nine through twelve. Monitoring performed by the Sacramento County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Hiram Johnson HS for school year 2010–11 and the district is asking for an alternative QEIA CSR target for school year 2012–13. The school's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science for grades nine through twelve are 17.6, 21.0, 20.6, and 17.8, respectively. Luther Burbank also exceeded the QEIA class size cap of 27 students per classroom. Sacramento City USD is concurrently requesting a QEIA *Williams* case settlement waiver for Luther Burbank HS.

Sacramento City USD states that the lower class sizes have always been important and the strategy has contributed to the increased achievement and academic performance of all students. The district states that it has reached a point at which an increase in baseline targets is necessary to maintain the momentum that will help move Hiram Johnson HS out of Program Improvement status.

Sacramento City USD requests a waiver of the QEIA CSR targets for grades nine through twelve at Luther Burbank HS for school year 2012–13 and the establishment of an alternative CSR target of 22.0 on average in grades nine through twelve. The district is also requesting a waiver for exceeding the QEIA 27-student cap per core classroom CSR requirement for two Algebra 2 classes for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Sacramento City USD's request to increase its CSR target for grades nine through twelve and to waive the QEIA 27-student cap per core classroom CSR requirement for two Algebra 2 classes at Hiram Johnson HS.

The CDE recommends approval with the following conditions: (1) Applies only to grades nine through twelve classes at Hiram Johnson HS for the period July 1, 2012 through June 29, 2014; (2) Applies to two Algebra 2 classes at Hiram Johnson HS that exceeded the QEIA 27-student cap per core classroom CSR requirement for school year 2010–11; (3) Hiram Johnson increase to 22.0 the class size on average in core classes at the school level in grades nine through twelve, with no class exceeding 27; and (4) Within 30 days of approval of this waiver, Sacramento City USD must provide to

the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Hiram Johnson High Schoolsite Council on February 1, 2012.

Supported by Sacramento City Teachers Association, January 31, 2012.

Local Board Approval: February 16, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	4	6	7	4	3	9

Local educational agency: **Sacramento City Unified School District** **Hiram Johnson High School**	Contact name and Title: **Mary Hardin Young, Area Asst. Supt** **Felisberto Cedros, Principal**	Contact e-mail: **mary-hardinyoung@scusd.edu**
Address: (City) (State) (ZIP) **5735 47th Avenue Sacramento California 95824**		Phone (and extension, if necessary): **916-643-9009** FAX Number: **916-643-2535**
Period of request: (month/day/year) From: **July 1, 2010 To: June 30, 2014**	Local board approval date: (Required) **February 16, 2012**	Date of public hearing: (Required) **February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740 (1.i) and 52055.740 (1.iii)** Circle One: ***EC*** or *CCR*

   Topic of the waiver: **QEIA – Class Size Reduction**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ **Not Applicable** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **January 31, 2012**

   Name of bargaining unit and representative(s) consulted: **Sacramento City Teachers' Association**
   Scott Smith, President

   The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* SCUSD Website and Main Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Hiram Johnson School Site Council
   Date the committee/council reviewed the waiver request: **February 1, 2012**

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i)or (ii), as follows:
(i) ~~At least five pupils fewer per classroom than was the average in 2006-07~~.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article ~~shall not have a class in~~ English language arts, reading, ~~mathematics~~, science, or history and social science in grades 4 to 12, inclusive, ~~with more than 27 pupils regardless of its average classroom size~~.

(4)~~Meet all the requirement of the settlement agreement in Williams v. State of California~~ (Case Number cGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, ~~the requirements regarding teachers~~, instruction materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See attached -

8. Demographic Information:
Hiram Johnson High School has a student population of approximately 1,600 and is located in an urban area in Sacramento County. The demographic makeup of the student population is approximately 33% Asian, 39% Hispanic, 13% African American, 10% White and 5% others. The community socioeconomic makeup is reflected in our student population with 32% English learners receiving EL services, 85% receiving free or reduced lunch, and 14% receiving special education services.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.		
Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

7. Desired Outcome/Rationale

Sacramento Unified School District requests on behalf of Hiram Johnson High School a permanent QEIA target of 22:1 for grades 9 to 12, and a one-time waiver, for the 2010-11 school year, of class maximum of 27 students for two Algebra 2 classes and two teacher misassigments in the Williams Settlement Agreement. The approval of this waiver would allow Hiram Johnson to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2010 to June 30, 2014. Hiram Johnson High School is a Title I school with approximately 85% of its students receiving free or reduced lunch, 32% receiving English Learners services, and 14% receiving special education services.

The fall of 2010-11 saw dramatic changes at Hiram Johnson High School. Because of the school's persistent low academic performance and physical decline, the school was designated a "Superintendent's Priority School". The school was assigned a new administrative team who found the school to be without an appropriate infrastructure and system of operation to support student learning, as well as an absence of teachers holding appropriate credentials. A master schedule was not in established, the curriculum and program were outdated and not aligned to the state or district standards. The current structure had segregated EL and Special Education students and was lacking discipline practices to support students to be successful.

CSR: Lower class sizes have always been important to SCUSD, and the strategy has contributed to the increased achievement and academic performance of all students. With four administrative changes in the past five years and 25% of the students moving in and/or out of the school during the school year, Hiram Johnson's ability to meet the Class Size Reduction (CSR) targets has been extremely challenging. Changes in the state's CSR funding to districts have also impacted the site's ability to maintain smaller class sizes. By creatively exhausting all flexible funding sources, Hiram Johnson has managed to successfully staff CSR targets for the past three years. We have now reached a point at which an increase of our baseline targets is necessary to maintain the momentum that will help move Hiram Johnson High School out of Program Improvement status. Approval of this waiver to establish new class sizes of 22:1 in the 9th through 12th grades would allow students to continue to benefit from small class

sizes and to receive high levels of instruction and maintain the achievement growth that the school experienced during the last year.

In addition, Hiram Johnson High School experienced another difficult staffing issue during the 2010-2011 school year with five teachers leaving their positions mid-year for various reasons. While the administrative team was able to cover the other teacher vacancies, they searched unsuccessfully to fill the two math positions that were left vacant. It became necessary to dissolve their sections in order for the students to receive instruction from the remaining skilled math teachers. Approval of a permanent CSR target of 22:1 for grades 9 to 12, and to waive the class size maximum of 27 in two Algebra II classes, for 2010-11 only, will permit Hiram Johnson High School to maintain and to continue to receive QEIA funding for the 2012-2014.

Williams Settlement Agreement: Due to lack of qualified certificated staff, Hiram Johnson High School could not find teachers with the appropriate credentials to teach one elective course of Yearbook and one of Robotics. Having the most experienced teachers with the appropriate credential has always been an important hiring factor in SCUSD, and the district understands how that practice has positively contributed to the increased academic success of all students. When Hiram Johnson was designated as one of SCUSD's "Superintendent's Priority Schools", the most critical personnel task was to secure HQT teachers to teach all core subjects, which the team accomplished. However, they could not find qualified staff with the appropriate credential to teach the one section of Yearbook and one section of Robotics. This situation was corrected for the 2011-12 school year. Waiving the two sections of the Williams Settlement assignments, from the 2010-11 school year only, will allow Hiram Johnson High School to maintain and continue to receive QEIA funding.

Hiram Johnson has met the spirit of the law and has improved the quality of academic instruction and the level of student achievement significantly in the past year. Once named a "Superintendent's Priority School" the new administration initiated new instructional initiatives and restructured the school policies, operations and procedures. The Highly Qualified Teachers received at least 40 hours of targeted professional development and collaborative planning time to improve their curriculum knowledge and instructional skills, and their understanding of using data to guide instruction. The effort led to an outstanding academic, behavior and attendance improvement. The school API almost doubled its past ten year's API gains in one year with 60 API point gain to 671 in 2011. The gain was one of the highest in the Sacramento County. The increased attendance rate and decreased suspension rate were among the most improved in the District. The table below paints a much clearer picture of the amount of progress Hiram Johnson had made with its QEIA funding in 2010.

2011 Hiram Johnson Growth API Report

	Number of Students Included	**2011 Growth**	**2010 Base**	**2010-11 Growth Target**	**2010-11 Growth**	**Met Growth Target**
School Wide	1130	671	612	9	59	Yes
Black or African American	118	559	484	16	75	Yes
Asian	361	722	695	5	27	Yes
Hispanic or Latino	455	651	577	11	74	Yes
White	102	717	642	8	75	Yes

Socioeconomically Disadv	986	668	615	9	53	Yes
English Learners	599	656	596	10	60	Yes
Students with Disabilities	145	441	396	20	45	Yes

California Department of Education, Analysis, Measurement and Accountability Reporting Division, November 29, 2011.

Approval of this waiver for Hiram Johnson High School will result in the school meeting the intent of the QEIA program while continuing to make strong academic gains. During this time of economic uncertainty, this program is essential in order to continue to maintain small class size, hire the most qualified staff and provide the necessary professional development to ensure that students are taught by the most qualified and skilled staff. Based on the 2010-2011 academic, behavior and attendance data, there is no doubt that QEIA funding made the difference in the gains and improvement at Hiram Johnson. The school needs QEIA funding to sustain the momentum and progress that they have made this past year, and continue to provide the best services to the students.

Waiver Number: 105-2-2012 **Period of Request:** July 1, 2011, to June 30, 2014
Period Recommended: July 1, 2011, to June 29, 2013
Edward Kemble Elementary School **CDS Code:** 34 67439 6033914
Sacramento City Unified School District

Local Educational Agency Request:

Sacramento City Unified School District (USD) is an urban school district located in Sacramento County with a student population of approximately 47,896 students. Edward Kemble Elementary School (ES) has a student population of approximately 510 students in kindergarten and grades one through three (K–3). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) in school year 2010–11 and is asking for an alternative QEIA CSR target in year 2011–12. The district's current QEIA CSR target for the average size of core classes of English, mathematics, history-social science, and science in K–3 was 20.44.

Sacramento City USD states that Edward Kemble ES has met the spirit of the law and has significantly improved the quality of academic instruction and the level of student achievement. The district states that it has had to bus many students to other schools that have room for them, and as the economy continues to impact families and housing, the challenge to be proactive is increasing.

Sacramento City USD requests a waiver of the QEIA CSR targets for K–3 at Edward Kemble ES for school year 2011–12 and the establishment of an alternative CSR target of 24.5 per class in K–3.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Sacramento CUSD's request to increase its CSR target for K–3 at Edward Kemble ES.

The CDE recommends approval with the following conditions: (1) Applies only to K–3 classes at Edward Kemble ES for the period July 1, 2011 through June 29, 2013; (2) Edward Kemble ES increase to 24.5 the class size in K–3, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, Sacramento City USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Edward Kemble Elementary Schoolsite Council on February 7, 2012.

Supported by Sacramento City Teachers Association, January 31 and March 25, 2012.

Local Board Approval: February 16, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE

Local educational agency:	Contact name and Title:	Contact e-mail:
Sacramento City Unified School District **Edward Kemble Elementary**	**Mary Hardin Young, Area Asst Supt** **Shana Henry, Principal**	**mary-hardinyoung@scusd.edu**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
5735 47th Avenue	**Sacramento**	**California**	**95824**	**916-643-9009** FAX Number: **916-643-2535**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **July 1, 2011** To: **June 30, 2014**	**February 16, 2012**	**February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: ***EC*** or *CCR*

   Topic of the waiver: **QEIA – Class Size Reduction**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ **Not Applicable** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **March 25, 2011 and January 31, 2012**

   Name of bargaining unit and representative(s) consulted: **Scott Smith, President**
   Sacramento City Teachers' Association

   The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* SCUSD Website and Main Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Edward Kimble Elementary School Site Council
   Date the committee/council reviewed the waiver request: **February 7, 2012**

   Were there any objection(s)? No X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   (1) Meet all of the following class size requirements:
   a. For kindergarten and grades 1 to 3, inclusive, ~~no more than 20 pupils per class~~, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   See attached-

8. Demographic Information:
   (*District/school/program)Edward Kemble Elementary* has a student population of *510* and is located in an *urban* (*urban, rural, or small city etc.)__* in *Sacramento* County. Kemble Elementary is a very diverse school with 47% Hispanic, 25% African American, and 22% Asian as our three major populations. Languages spoken at the school include Spanish, Hmong, Mien, Vietnamese, Hindi, Punjabi, Russian, Urdu, Tongan, Filipino and Pashto (60% of our school are English Learners). The school resides in the Meadowview area of Sacramento which is an urban, culturally diverse and economically disadvantaged community. One hundred percent of students qualify for the free breakfast and lunch program.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

7. Desired Outcome / Rationale

Edward Kemble Elementary School is requesting a new CSR target of 24.5:1 in our kindergarten through 3rd grade classes through June 2014.

Edward Kemble Elementary has met the spirit of the law and has significantly improved the quality of academic instruction and the level of student achievement. All teachers are Highly Qualified and the Teacher Experience Index has been met. Certificated staff and paraprofessionals have received quality professional development in research-based practices to improve instruction. Our Annual Yearly Progress has increased 23.1% in English language Arts and 32.3% in Math since our first year of QEIA. Additionally, our school has increased our API score 156 points. As a result of our achievement, we exited Program Improvement status last school year.

In 2010-11, our school district had to increase class size to 25:1 in grade K-3 due to funding. While K-1 remained at 25:1 in 2011-12, 2nd-3rd increased to 29:1. It is expected that class sizes will increase to the contract maximum of 32 in Kindergarten and 31 in grades 1-3 for 2012-13. Despite these financial challenges, we have maintained the 20:1 CSR ratio in all of our K-3 classrooms since the inception of QEIA. After our district no longer had the funding to keep classes at 20:1, we used every additional dollar available from our site budget, in addition to QEIA, to keep class sizes low. Because our classes cap at 20, we have had to bus many students to other schools that have room for them. As the economy continues to impact families and housing, the challenge to be proactive is increasing. In the end, our goal is to serve our community and keep our neighborhood students instead of having them attend another school because we don't have the space to serve them.

Edward Kemble Elementary School is committed to continued implementation of the QEIA program, in which significant gains fin the API have already been realized. The school is requesting that the State Board of Education support the school's efforts, and allow for an adjusted Kindergarten through 3rd grade QEIA target of 24.5.

Waiver Number: 112-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Curtis Middle School **CDS Code:** 36 67876 6061915
San Bernardino City Unified School District

Local Educational Agency Request:

San Bernardino City Unified School District (USD) is located in urban San Bernardino County with a student population of approximately 50,910 students. Curtis Middle School (MS) serves 993 students in grades six through eight. Monitoring performed by the San Bernardino County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Curtis MS in two grade seven classes and one grade eight class for school year 2010–11. Curtis MS met the QEIA average class size requirements but exceeded the QEIA class size cap of 27 students per classroom.

San Bernardino City USD states that all QEIA schools met the grade level targets for 2010–11 with one exception. Due to the high mobility of its students, Curtis MS inadvertently went over the 27-student cap. The district states that there was a transition of staff responsible for the oversight of the QEIA requirements, that action was taken to address this issue, and that QEIA class sizes will not ever again exceed the 27-student cap.

San Bernardino City USD requests a waiver for exceeding the QEIA class size cap of 27 students per core classroom for two grade seven classes and one grade eight class at Curtis MS for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Bernardino City USD's request that the QEIA 27-student cap per core classroom be waived for two grade seven classes and one grade eight class at Curtis MS for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to two grade seven classes and one grade eight class at Curtis MS for school year 2010–11; and (2) Within 30 days of approval of this waiver, San Bernardino City USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by District Advisory Council on January 12, 2012.

Supported by San Bernardino Teacher's Association, January 30, 2012.

Local Board Approval: February 21, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	8	7	6

Local educational agency: San Bernardino City Unified School District	Contact name and Title: Eliseo Dávalos, Ph.D., Chief Academic Officer, Educational Services	Contact person's e-mail address: eliseo.davalos@sbcusd.com
Address: (City) (State) (ZIP) 777 North F Street, San Bernardino, California 92410		Phone: (909) 384-1471 Fax Number: (909) 885-6392
Period of request: (month/day/year) From: July 1, 2010 To: June 30, 2011	Local board approval date: (Required) February 21, 2012	Date of public hearing: (Required) February 21, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740.(a) 1 C (iii) Circle One: (*EC*) or *CCR*

   Topic of the waiver: Class Size Reduction - Rule of 27

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 30, 2012

   Name of bargaining unit and representative(s) consulted: San Bernardino Teachers' Association, Rebecca Harper, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): Support with considerations

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils.
   Please identify the council(s) or committee that reviewed this waiver: District Advisory Council

   Date the committee/council reviewed the waiver request: January 12, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) 1 C (iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. ~~A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This is a retroactive waiver request for the 2010-11 school year only. All of our QEIA funded schools met all of their grade level class size targets for the year. Due to the high mobility of our students, one school, Curtis Middle School (CDS Code: 36-67876-6061915), inadvertently went over the 27 limit. There has been a transition in the staff responsible for oversight of the QEIA requirements. Not only are the class counts monitored on a more frequent basis, but there is an action plan in place to address any possible instances of mobility, or any other reason, causing any class size to exceed 27. The class size has not and will not ever exceed 27 again.

8. Demographic Information:
San Bernardino City Unified School District has a student population of 50,910 and is located in an urban area in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No _X_ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No _X_ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Interim Superintendent	Date: February 22, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 159-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Malcolm X Elementary School **CDS Code:** 38 68478 6041586
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban school district located in San Francisco County with a student population of approximately 55,571 students. Malcolm X Elementary School (ES) has a student population of approximately 106 students in kindergarten and grades one through five (K–5). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school year 2011–12. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 20.44, and in grades four and five, 13.6 and 10.8, respectively.

San Francisco USD states Malcolm X ES has worked to provide each of its students with the academic and social skills needed to become successful 21st century citizens and their work has paid off. The district states that the challenge for Malcolm X ES for school year 2011–12 has been maintaining class size targets for grades four and five.

San Francisco USD requests a waiver of the QEIA CSR targets for grades four and five at Malcolm X ES for school year 2011–12 and the establishment of an alternative CSR target of 20.4 per class on average for grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR target for grades four and five at Malcolm X ES.

The CDE recommends approval with the following conditions: (1) Applies only to grade four and five classes at Malcolm X ES for school year 2011–12; (2) Malcolm X ES increase to 20.4 the class size on average in core classes at the school level in grades four and five for school year 2011–12, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Malcolm X Elementary Schoolsite Council on October 11, 2011.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA) – Class size reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office posting

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: October 11, 2011

   Were there any objection(s)? No X Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. ~~If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.~~ A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for Malcolm X Elementary. Malcolm X has worked to provide each of their students with the academic and social skills needed to become successful 21st century citizens and their work has paid off with a 65.7 API 3 year growth average under QEIA.

The challenge for Malcolm X this year has been maintaining class size target for the 4th and 5th grades. Low enrollment at the onset of QEIA resulted in very low class size targets. QEIA class targets and current averages are reflected below:

Grade	K	1	2	3	4	5
Target	20.4	20.4	20.4	20.4	13.60	10.80
Avg. to Date	19.44	19.00	18.26	19.00	12.36	11.00

While Malcolm X has maintained class size averages for 2011-12 for K-3, and is holding for the class size target in 4th grade, maintaining low targets at 4th and 5th grade has posed a challenge. Malcolm X has met all other QEIA targets.

We ask that the class size targets for grades 4 and 5 be allowed to increase up to, but not exceeding, 20.4 at Malcolm X. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25, and allow for primary grade matriculation into 4th and 5th grade.

8. Demographic Information:
Malcolm X Elementary has a student population of 106 students and is located in San Francisco, a large urban school district in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 160-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Mission High School **CDS Code:** 38 68478 3834082
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban school district located in San Francisco County with a student population of approximately 55,571 students. Mission High School (HS) has a student population of approximately 929 students in grades nine through twelve. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school year 2011–12. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in grades nine through twelve were 15.0, 22.50, 24.0, and 22.50, respectively.

San Francisco USD states that the challenge for Mission HS for school year 2011–12 has been maintaining class size targets for the grade nine. The district states that a target adjustment can provide small class sizes at the site with class size averages across all grades below 25. The district further states that this modification would allow students to enroll in classes which have small class size targets and the range would give the site flexibility in scheduling the incoming class.

San Francisco USD requests a waiver of the QEIA CSR targets for grade nine at Mission HS for school year 2011–12 and the establishment of an alternative CSR target of 22.5 per class on average in grade nine.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR target for grade nine at Mission HS.

The CDE recommends approval with the following conditions: (1) Applies only to grade nine classes at Mission HS for school year 2011–12; (2) Mission HS increase to 22.5 the class size on average in core classes at the school level in grades nine in the 2011–12 school year, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Mission High Schoolsite Council on February 22, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA) – Class size reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council (SSC)
   Date the committee/council reviewed the waiver request: 2/22/12

   Were there any objection(s)? No _x_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. ~~If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.~~ A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for Mission High School. Mission an enrollment of 929 students, 69% qualify for free or reduced lunch and 38% are English Learners.

The challenge for Mission this year has been maintaining class size target for the 9th grade. Low enrollment at the onset of QEIA resulted in very low class size targets:

Grade	9	10	11	12
Target	15.00	22.50	24.00	22.50
Avg. to Date	17.04	17.69	19.97	21.93

While Mission has maintained class size averages for 2011-12 for 10th, 11th and 12th grades, the class size average for 9th grade is currently at 17.04, which is 2.04 students over the target. Mission has met all other QEIA targets, including an API Growth Average of 31.7 across the three fully funding QEIA school years.

We ask that the class size targets for grade 9 be raised up to but not to exceed 22.50. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25. However, this modification would allow students to enroll in these classes which have small class size targets and the range would give the site flexibility in scheduling the incoming class.

8. Demographic Information:
Mission High has a student population of 929 students and is located in San Francisco, a large urban school district in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 162-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Everett Middle School **CDS Code:** 38 68478 6062038
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban school district located in San Francisco County with a student population of approximately 55,571 students. Everett Middle School (MS) has a student population of approximately 346 students in grades six through eight. The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school year 2011–12. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in grades six through eight are 16.23, 21.47, and 23.04, respectively.

San Francisco USD states that the challenge for Everett (MS) for school year 2011–12 has been maintaining class size targets for the grade six. The district states that a target adjustment can provide small class sizes at the site with class size averages across all grades below 25.

San Francisco USD requests a waiver of the QEIA CSR targets for grade six at Everett MS for school year 2011–12 and the establishment of an alternative CSR target of 21.47 per class on average in grade six.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR target for grade six at Everett MS.

The CDE recommends approval with the following conditions: (1) Applies only to grade six classes at Everett MS for school year 2011–12; (2) Everett MS increase to 21.47 the class size on average in core classes at the school level in grade six for school year 2011–12, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Everett Middle Schoolsite Council on February 13, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA) – Class size reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. 3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council
   Date the committee/council reviewed the waiver request: February 13, 2012

   Were there any objection(s)? No _x_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. ~~If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.~~ A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for Everett Middle School. Everett has an enrollment of 346 students, 78.6% qualify for free or reduced lunch and 37.9% are English Learners.

The challenge for Everett this year has been maintaining class size target for the 6th grade. Low enrollment at the onset of QEIA resulted in very low class size targets:

6th grade	7th grade	8th grade
16.23	21.47	23.04

While Everett has maintained class size averages for 2011-12 for 7th grade at 18.89 and 8th grade at 16.16, the class size average for 6th grade is currently at 17.69. Everett has met all other QEIA targets, including increasing the school wide API from 582 in 2006-07 to 609 in 2010-11.

We ask that the class size targets for grade 6 be raised up to but not to exceed 21.47 at Everett Middle School. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25.

8. Demographic Information:
Everett has a student population of 346 students and is located in San Francisco, a large urban school district in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 163-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
John Muir Elementary School **CDS Code:** 38 68478 6041255
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban school district located in San Francisco County with a student population of approximately 55,571 students. John Muir Elementary School (ES) has a student population of approximately 237 students in kindergarten and grades one through five (K–5). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school year 2011–12. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 are 20.4, and in grades four and five 10.10 and 8.70, respectively.

San Francisco USD states that John Muir ES's mission is to create an environment where learners are empowered to excel in academic achievement, build character, and affirm cultural and linguistic diversity while fostering an interconnected global community. The challenge for John Muir ES for school year 2011–12 has been maintaining class size targets for grades four and five. The district states that a target adjustment can provide small class sizes at the site with class size averages across all grades below 25.

San Francisco USD requests a waiver of the QEIA CSR targets for grades four and five at John Muir ES for school year 2011–12 and the establishment of alternative CSR targets of 17.8 per class on average for grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to increase its CSR target for grades four and five at John Muir ES.

The CDE recommends approval with the following conditions: (1) Applies only to grades four and five classes at John Muir ES for school year 2011–12; (2) John Muir ES increase to 17.8 the class size on average in core classes at the school level in grades four and five for school year 2011–12, with no class exceeding 27; and (3) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by John Muir Elementary Schoolsite Council and English Learner Advisory Committee on February 16, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA) – Class size reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council (SSC) and English Learner Advisory Committee (ELAC)
   Date the committee/council reviewed the waiver request: 2/16/2012

   Were there any objection(s)? No X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. ~~If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph.~~ A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request an adjustment to the QEIA regulation for class size reduction (CSR) achievement for John Muir Elementary. Muir's mission is to create an environment where learners are empowered to excel in academic achievement, build character, affirm cultural and linguistic diversity while fostering an interconnected global community. Muir has a diverse student population with 32% African American students and 46% Hispanic or Latino. 89% of the students qualify for free or reduced lunch and 33.8% are English Learners.

The challenge for Muir this year has been maintaining class size target for the 4th and 5th grades. Low enrollment at the onset of QEIA resulted in very low class size targets. QEIA class targets and current averages are reflected below:

Grade	K	1	2	3	4	5
Target	20.4	20.4	20.4	20.4	10.10	8.70
Avg. to Date	16.23	15.32	17.46	15.25	14.6	13.00

While Muir has maintained class size averages for 2011-12 for K-3, maintaining low targets at 4th and 5th grade has posed a challenge. Muir has met all other QEIA targets, including increasing the school wide API from 615 in 2006-07 to 689 in 2010-11.

We ask that the class size targets for grades 4 and 5 be raised to 17.8 at John Muir School. This target adjustment would still offer small class sizes at the site, with class size average across all grades below 25, and enable Muir to meet class size targets as the current 2nd grade class of 17.46 matriculates through the 5th grade.

8. Demographic Information:
John Muir Elementary has a student population of 237 students and is located in San Francisco, a large urban school district in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 165-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Buena Vista/Horace Mann K–8 School **CDS Code:** 38 68478 6062046
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban school district located in San Francisco County with a student population of approximately 55,571 students. Buena Vista/Horace Mann K–8 School has a student population of approximately 615 students in kindergarten and grades one through eight (K–8). Horace Mann Middle School (MS) served students in grades six through eight for school year 2010–11 and was combined for school year 2011–12 with Buena Vista Elementary School (ES), a non-QEIA school, serving kindergarten and grades one through five (K–5). The district met the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 for Horace Mann MS. San Francisco USD is not receiving QEIA funds for school year 2011–12 for students in K–5 under the current grade configuration. QEIA funding will become available for these grades for school year 2012–13. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in grades six through eight are 20.62, 21.59, and 20.76, respectively. For school year 2012–13, the additional QEIA CSR targets are 20.4 (K–3), 22.8 (grade four), and 23.5 (grade five).

San Francisco USD states that Horace Mann MS has been a part of QEIA since the beginning of the grant and has been consistent in its compliance with program requirements. The school serves a large Hispanic community and its popularity has been growing. The district states that Buena Vista ES serves a similar population in its original location not far from Horace Mann MS and both schools feature strong multi-lingual, multi-cultural models and support Spanish and English fluency for all students.

San Francisco USD requests a waiver of the QEIA CSR targets for kindergarten and grades one through five at Buena Vista/Horace Mann K–8 School for school year 2011–12 to ensure that the school is not held to the 2012–13 targets for kindergarten and grades one through five until 2012–13.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's requesting a one year extension to get class size targets in place for kindergarten and grades one through five at Buena Vista/Horace Mann K–8 School.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grade one through five classes at Buena Vista/Horace Mann K–8 School for school year 2011–12; and (2) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Buena Vista/Horace Mann K–8 Schoolsite Council on February 13, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/11 To: 6/30/12	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA) – Class size reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Buena Vista Horace Mann School Site Council
   Date the committee/council reviewed the waiver request: February 13, 2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(1) Meet all of the following class size requirements:
(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).
(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the school site. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:
(i) At least five pupils fewer per classroom than was the average in 2006-07.
(ii) An average of 25 pupils per classroom
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We are requesting a waiver of QEIA regulations for class size reduction (CSR) as they may be applied to Buena Vista/Horace Mann (BVHM). At the onset of QEIA, Horace Mann was a 6-8 middle school and merged with Buena Vista K-5 to become a K-8 school at the beginning of the 2011-12 school year.

Horace Mann MS (grades 6-8) has been a part of QEIA since the inception and has been consistent in its compliance (see Attachment A). The school serves a large Hispanic community and its popularity has been growing. Buena Vista ES (grades K-5) serves a similar population in its original location not far from Mann. Both schools feature strong multi-lingual, multi-cultural models and support Spanish and English fluency for all students. Over the past few years, parents have promoted the merger of these schools so that a K-8 bilingual model could be realized.

At the merger, class size targets were maintained for grades 6-8, but were not in place for K-5 for the current school year. Current class averages are:

Grade	K	1	2	3	4	5	6	7	8
Target	20.40	20.40	20.40	20.40	22.80	23.50	20.62	21.59	20.76
Avg. to Date	21.62	21.46	20.87	21.62	32.00	30.5	17.61	17.11	18.17

We are requesting a one year extension to get class size targets in place for grades K-5. BVHM did not receive additional funding for the K-5th grade students for the 2011-12 school year. They are on schedule for QEIA funding for their current enrollment in 2012-13 which will provide the necessary funds to hire additional staff. SFUSD staff is working with the BVHM community to address staffing and space needs to achieve these targets for the 2012-13 school year.

8. Demographic Information:
Buena Vista/Horace Mann has a student population of 615 students and is located in San Francisco, a large urban district in San Francisco County. 67.6% of the student population qualifies for free or reduced lunch and 45.9% are English Learners.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 173-2-2012 **Period of Request:** July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012
Willard Intermediate School **CDS Code:** 30 66670 6061758
Santa Ana Unified School District

Local Educational Agency Request:

Santa Ana Unified School District (USD) is an urban school district located in Orange County with a student population of approximately 56,000 students. Willard Intermediate School (IS) serves 969 students in grades six through eight. Monitoring performed by the Orange County Department of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Willard IS in twenty-one grade six classes, four grade seven classes, and eight grade eight classes for school year 2010–11. Willard IS met the QEIA average class size requirements but exceeded the class size cap of 27 students per classroom.

Santa Ana USD states that Willard IS inadvertently exceeded the QEIA class size cap of 27 students per classroom because of master scheduling issues, and it did not have a clear understanding of the cap requirements. The district states that it had site level administration turnover as well as district level positions that were reduced due to economic constraints, which impacted oversight and monitoring of all of its QEIA schools.

Santa Ana USD requests a waiver for exceeding the QEIA class size cap of 27 students per core classroom for twenty-one grade six classes, four-three grade seven classes, and eight grade eight classes at Willard IS for school year 2010–11. The district assures the maintenance of class averages at 25.0, and also requests permission to waive the class size cap of 27 for school year 2011–12 while it brings class sizes in line with QEIA requirements by the start of the 2012–13 school year.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Santa Ana USD's request that the QEIA 27-student cap per core classroom be waived for twenty-one grade six classes, four grade seven classes, and eight grade eight classes at Willard IS for school year 2010–11. The CDE also supports Santa Ana USD's similar request for waiver of the QEIA 27-student cap per core classroom CSR requirement for school year 2011–12, based on the district's assertion that the school will meet its target by the end of the current year.

The CDE recommends approval with the following conditions: (1) Applies only to twenty-one grade six classes, four grade seven classes, and eight grade eight classes at Willard IS for school year 2010–11; (2) Applies to grades six through eight classes at Willard IS for school year 2011–12; and (3) Within 30 days of approval of this waiver, Santa Ana USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement

activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Willard Intermediate Schoolsite Council on February 24, 2012.

Supported by Santa Ana Educators Association, August 31, September 13, 15, and 29, 2011.

Local Board Approval: October 11, 2011.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	7	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Santa Ana Unified School District	**Cathie Olsky, Ed. D.**	**cathie.olsky@sausd.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1601 E. Chestnut Ave.	**Santa Ana**	**California**	**92701**	**(714) 558-5523** Fax Number: **(714) 480-5321**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From**: 07/01/2010 To: 06/30/2012**	**October 11, 2011**	**October 11, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): **52055.740** Circle One: **EC** or ~~CCR~~

   Topic of the waiver:
   The Santa Ana Unified School District (SAUSD) is requesting a waiver, on behalf of Willard Intermediate School, to waive **Quality Education Investment Act (QEIA) Education Code section 52055.740(C)(i).** Specifically, **Willard Intermediate School** is requesting waiving exit from QEIA based on the Rule of 27. The term of the waiver being requested is July 1, 2010-June 30, 2012.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **NOT APPLICABLE**
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _**X**_ **Yes**
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **08/31/11, 09/13/11, 09/29/11, 09/15/11**

   Name of bargaining unit and representative(s) consulted:
   Santa Ana Educators Association; Susan Mercer (President) and Norma Ortiz (CTA representative)

   The position(s) of the bargaining unit(s): __ Neutral _**X**_ **Support** __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _**X**__ **Other: Notice posted at District Office on September 27, 2011**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request:
   February 24, 2012; School Site Council at Willard Intermediate School

   Were there any objection(s)? **No** _**X**__ Yes ___ (If there were objections please specify)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

EC 52055.740.

(C)(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classroom at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "the average in 2006-07" for purposes of this subparagraph. ~~**A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.**~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

PLEASE SEE ATTACHED

8. Demographic Information:

Santa Ana Unified is a K-12 urban school district in Orange County that serves a vibrant and largely Latino community. It is the 6th largest school district in the state of California and the largest in Orange County, with an enrollment of approximately 56,000 students. It includes 36 elementary schools, 9 intermediate schools, 6 comprehensive and 3 alternative high schools. Eighty seven percent (87%) of enrolled students participate in the free or reduced breakfast/lunch program and 60% are identified as English language learners. Spanish, Vietnamese and Khmer are the most common languages spoken. Currently, Santa Ana Unified has 54 teachers at the secondary level who are funded with QEIA funds, at a total $4,982,700. Approval of this waiver would allow SAUSD to maintain its staffing and funding while continuing to make academic gains.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) **No** ☒ **Yes** ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ **Yes** ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Deputy Superintendent**	Date: **February 27, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

On behalf of Willard Intermediate School, the Santa Ana Unified School District (SAUSD) is seeking a waiver of the QEIA Rule of 27 during the period of July 1, 2010 through June 30, 2012. SAUSD recognizes the positive and profound impact of the QEIA's assistance in improving academic achievement during this period, and respectfully requests that Willard Intermediate's QEIA funding continue in order to maintain consistent gains and student support systems.

While SAUSD sincerely acknowledges Willard Intermediate School exceeded the Rule of 27, it is of imperative relevance to the request for forgiveness to note that Willard met or exceeded all other requirements of the QEIA statute during that same period. Willard's current API of **658** represents **a total average gain of 45 points over the past three years.** Details of these achievements will be further clarified in this waiver request.

QEIA funding has been a vital element in assisting Willard in closing the achievement gap for its under-represented students. Current QEIA funding supports approximately 8 full time teaching equivalencies. The estimated entitlement funding for 2011-2012 totals $779,400.00. This is a significant contribution which has provided essential assistance in improving academic achievement across the full spectrum of significant student subgroups.

Willard Intermediate is a Title 1 school located in an urban area of Orange County with an enrollment of approximately 926 students, grades 6 through 8. Of this total enrollment, **95.37%** are on free or reduced lunch and **59%** of all identified as English learners.

The positive academic achievement results evidenced over the past three years were supported through the careful creation of an instructional program designed to meet the diverse needs of Willard's student population while also promoting accelerated academic achievement; all of which were made possible through the assistance of QEIA funding.

	API			
Willard	**2009**	**2010**	**2011**	**2009 to 2011**
All students	608	601	658	**+50**
Hispanic or Latino	606	600	657	**+51**
Socio-economically disadvantaged	609	599	658	**+49**
English Learners	588	567	631	**+43**
Students with Disabilities	N/A	400	473	**+73**

Not only is Willard making significant gains in closing the achievement gap for under-represented students, it has been recognized for other noteworthy achievements. In September of this school year, the Orange County Register (a local, countywide newspaper) named Willard Intermediate as one of its *Top 10 Most Improved Schools* in Orange County. This improvement has been accomplished by the dedication of Willard's staff to promote an environment of respect, responsibility and high expectations. The staff at Willard is committed to a culture of success through current research-based practices, which instill positive student behavior, and increasingly high levels of student engagement and achievement.

To understand the significant role QEIA funding has played in closing the achievement gap of all students at Willard, it is important to illustrate the structure of the instructional program which helped to realize these positive results.

Supporting the diverse educational requirements of a student population whose instructional needs range from special needs, to English learners to gifted and talented students requires an instructional day with a variety of offerings. Willard has provided intensive intervention ELA classes for students who are 2 or more years below grade level in reading and monitor program exit rates annually. The site has a before and after-school Math Lab for students who are scoring below grade level on common assessments as an immediate intervention using ST Math (MIND Research Institute). Willard also provides school-wide access to computer labs and technology, before, during and after school which offer a wide variety of instructional software applications and internet-accessible programs that address specific reading comprehension deficiencies as determined by DIBELS. Tutoring is offered to students who are scoring below grade level in writing.

Providing for the differentiated instructional needs of the student population at Willard does not end with the aforementioned interventions for struggling students. For students who demonstrate high achievement on grade level standards, honors courses in all core content areas at all grade levels are included in the master schedule. Teachers in these courses have received professional development training on Kaplan's strategies of depth and complexity, novelty and acceleration though content/thinking prompts. This training has a significant "spill-over effect" as the strategies employed by these teachers in courses outside of honors/GATE classes benefit all students.

The significant strides in closing the achievement gap at Willard could not have been realized without the collaboration time and professional development which was supported through QEIA funding. Collaborative time was utilized to strengthen the instructional program at Willard. Staff collaborated after each benchmark administration for Data Dialogues with all departments in order to analyze student data from benchmark and common assessments using a common protocol to share best practices, plan instruction, correctively teach and evaluate effectiveness of the instruction and the instruments utilized. The objective is to improve the Academic English of all students, including English learners and striving readers. Professional development on Thinking Maps, GLAD strategies and Sheltered Instruction Observation Protocol (SIOP), have assisted teachers in creating lessons which infuse critical thinking skills

and improve English language acquisition through interactive lessons which integrate speaking, reading, writing and listening activities.

The instructional program, interventions, enrichment and support structures implemented through the assistance of QEIA funding at Willard have directly contributed to the three years of academic growth at all grade levels and across all significant student subgroups.

Justification for Total Core Sections above 27 Students

The reasons that Willard Intermediate inadvertently exceeded the Rule of 27 are as follows:

- SAUSD Intermediate schools have the primary responsibility for creating their master schedules, which are normally developed in the spring of the previous school year based on enrollment, trends and patterns, as well as site specific initiatives and programs.
- QEIA school sites did not have a clear understanding of the Rule of 27; this can be attributed to site level administrative team turnover rates, as well as the economic impact that has reduced district level administrators to provide dedicated oversight. The QEIA administrator position, whose primary function was to provide direct guidance, oversight and monitoring to all 14 QEIA schools, was affected by these cuts.
- Willard has had a complete transformation in staffing: 100% change in administration - new principal, new learning director, new assistant principal, new operations administrator, new Community liaison and new outreach consultant. In addition, 14 new, displaced teachers were assigned to Willard.
- The new master schedule did meet the QEIA school-wide class size average of 25 in the core courses. However, despite creating the new master schedule, the Rule of 27 was not met in 33 sections; 21 at the 6th grade, four at the 7th and 8 at the 8th grade levels. Willard's sixth grade classes are staffed with Multiple Subject credentialed teachers on a block schedule which significantly impedes scheduling flexibility.

Steps Implemented to Ensure Total Core Sections Remain below 27 Students

Santa Ana Unified School District has been working closely in consultation with the Orange County Department of Education QEIA Assistance Center and reexamined the calculations for class sizes at Willard Intermediate for the 2010-2011 school year. While the school-wide average fell within the average of 25, it was acknowledged that there were some sections which still exceeded the Rule of 27. However, with the single exception of the Rule of 27, Willard was found to have met and was in compliance in all other QEIA requirements.

District staff is working with the site to monitor enrollment and placement of students to ensure that grade level averages remain below an average of 25. The district will collaborate with site administration to build next year's master schedule to ensure that all sections meet the Rule of 27 through effective balancing. Additional training for site administrators and counselors on student placement and creating a master schedule which makes certain proper enrollment in core classes for all students is currently in place this year. Included in the training are safeguards to ensure that both the grade level average of 25, as well as the Rule of 27 is met for the subsequent school year. The District is endeavoring to get in compliance with Rule of 27 for the remainder of the school year.

Therefore, on behalf of Willard Intermediate, SAUSD assures the maintenance of class average to 25, but respectfully requests permission to waive the Rule of 27 for 2010-2011 and 2011-2012.

With the assistance of QEIA funding, Willard Intermediate has the opportunity to make a significant and long-term impact on the achievement of the hundreds of under-represented students who attend the school. It is clear, on several levels, that QEIA funding has been central to closing the achievement gap. Without it, it is likely that Willard Intermediate will not have sufficient resources to make these positive changes systemically sustainable. The loss of QEIA funding for Willard Intermediate will have a significant, negative impact on the momentum for positive progress the school has made in closing the achievement gap for all, but most specifically for their under-represented student populations. SAUSD respectfully requests the granting of this waiver to continue Willard's positive efforts in closing the academic achievement gap, all of which has been made possible through the support of QEIA funding.

Waiver Number: 174-2-2012 **Period of Request:** July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012
Sierra Intermediate School **CDS Code:** 30 66670 6030415
Santa Ana Unified School District

Local Educational Agency Request:

Santa Ana Unified School District (USD) is an urban school district located in Orange County with a student population of approximately 56,000 students. Sierra Intermediate School (IS) serves 866 students in grades six through eight. Monitoring performed by the Orange County Department of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Sierra IS in ten grade six classes, twenty-three grade seven classes, and twelve grade eight classes for school year 2010–11. Sierra IS met the QEIA average class size requirements but exceeded the class size cap of 27 students per classroom.

Santa Ana USD states that Sierra IS inadvertently exceeded the QEIA class size cap of 27 students per classroom because of master scheduling issues, and it did not have a clear understanding of the cap requirements. The district states that it had site level administration turnover as well as district level positions that were reduced due to economic constraints, which impacted oversight and monitoring of all of its QEIA schools. The district states that it has taken steps to ensure grade level averages remain below QEIA CSR targets and is collaborating with site administration to build the 2012–13 master schedules to ensure all sections meet the class size cap requirements.

Santa Ana USD requests a waiver for exceeding the QEIA class size cap of 27 students per core classroom for ten grade six classes, twenty-three grade seven classes, and twelve grade eight classes at Sierra IS for school year 2010–11 school year. The district assures the maintenance of class averages at 25.0, and also requests permission to waive the class size cap of 27 for school year 2011–12 while it brings class sizes in line with QEIA requirements by the start of the 2012–13 school year.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Santa Ana USD's request that the QEIA 27-student cap per core classroom be waived for ten grade six classes, twenty-three grade seven classes, and twelve grade eight classes at Sierra IS for school year 2010–11. The CDE also supports Santa Ana USD's similar request for waiver of the QEIA 27-student cap per core classroom CSR requirement for school year 2011–12, based on the district's assertion that the school will meet its target by the end of the current year.

The CDE recommends approval with the following conditions: (1) Applies only to ten grade six classes, twenty-three grade seven classes, and twelve grade eight classes at Sierra IS for school year 2010–11; (2) Applies to grades six through eight classes at Sierra IS for school year 2011–12; and (3) Within 30 days of approval of this waiver, Santa Ana USD must provide to the CDE a description, including costs covered by

QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Sierra Intermediate Schoolsite Council on February 24, 2012.

Supported by Santa Ana Educators Association, August 31, September 13, 15, and 29, 2011.

Local Board Approval: October 11, 2011.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	7	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Santa Ana Unified School District	**Cathie Olsky, Ed. D.**	**cathie.olsky@sausd.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1601 E. Chestnut Ave.	**Santa Ana**	**California**	**92701**	**(714) 558-5523** Fax Number: **(714) 480-5321**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From**: 07/01/2010 To: 06/30/2012**	**October 11, 2011**	**October 11, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations section(s) to be waived (number): **52055.740** Circle One: **EC** or ~~CCR~~

   Topic of the waiver:
   The Santa Ana Unified School District (SAUSD) is requesting a waiver, on behalf of **Sierra Preparatory Academy**, to waive **Quality Education Investment Act (QEIA) Education Code section 52055.740(C)(i)**. Specifically, Sierra Preparatory Academy is requesting waiving exit from QEIA based on the Rule of 27. The term of the waiver being requested is July 1, 2010-June 30, 2012.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **NOT APPLICABLE**
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _**X**_ **Yes**
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **08/31/11, 09/13/11, 09/29/11, 09/15/11**

   Name of bargaining unit and representative(s) consulted:
   Santa Ana Educators Association; Susan Mercer (President) and Norma Ortiz (CTA representative)

   The position(s) of the bargaining unit(s): __ Neutral _**X**_ **Support** __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _**X**__ **Other: Notice posted at District Office on September 27, 2011**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: **February 24, 2012; School Site Council at Sierra Preparatory Academy**

Were there any objection(s)? **No X** Yes ___ (*If there were objections please specify)*

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

EC 52055.740.

(C)(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classroom at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "the average in 2006-07" for purposes of this subparagraph. ~~**A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.**~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

PLEASE SEE ATTACHED

8. Demographic Information:

Santa Ana Unified is a K-12 urban school district in Orange County that serves a vibrant and largely Latino community. It is the 6th largest school district in the state of California and the largest in Orange County, with an enrollment of approximately 56,000 students. It includes 36 elementary schools, 9 intermediate schools, 6 comprehensive and 3 alternative high schools. Eighty seven percent (87%) of enrolled students participate in the free or reduced breakfast/lunch program and 60% are identified as English language learners. Spanish, Vietnamese and Khmer are the most common languages spoken. Currently, Santa Ana Unified has 54 teachers at the secondary level who are funded with QEIA funds, at a total $4,982,700. Approval of this waiver would allow SAUSD to maintain its staffing and funding while continuing to make academic gains.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Deputy Superintendent**	Date: **February 27, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

On behalf of Sierra Preparatory Academy Intermediate School, the Santa Ana Unified School District (SAUSD) is seeking a waiver of the QEIA Rule of 27 during the period of July 1, 2010 through June 30, 20102. SAUSD recognizes the positive and profound impact of the QEIA's assistance in improving academic achievement during this period, and respectfully requests that Sierra's QEIA funding continue in order to maintain consistent gains and student support systems.

While SAUSD sincerely acknowledges Sierra exceeded the Rule of 27, it is of imperative relevance to the request for forgiveness to note that Sierra met or exceeded all other requirements of the QEIA statute during that same period. Sierra's current API of **692** represents **a total average gain of gain 64 points over the past three years.** Details of these achievements will be further clarified in this waiver request.

QEIA funding has been a vital element in assisting Sierra with closing the achievement gap for its under-represented students. Current QEIA funding supports approximately 7 full time teaching equivalencies. The estimated entitlement funding for 2011-1012 totals $779,400. This is a significant contribution which has provided essential assistance in improving academic achievement across the full spectrum of significant student subgroups.

Sierra Preparatory Academy is a Title 1 school located in an urban area of Orange County with an enrollment of approximately 931 students, grades six through eight. Of this total enrollment, **94.83%** are on free or reduced lunch, and **61.8%** are identified as English language learners.

	API			
Sierra	**2009**	**2010**	**2011**	**2009 to 2011**
All students	628	652	692	**+64**
Hispanic or Latino	623	646	687	**+64**
Socio-economically disadvantaged	630	653	693	**+63**
English Learners	602	622	672	**+70**
Students with Disabilities	N/A	508	628	**+120**

The positive academic achievement results evidenced over the past three years were supported through the careful creation of an instructional program designed to meet the diverse needs of Sierra's student population while also promoting accelerated academic achievement; all of which were made possible through the assistance of QEIA funding.

To understand the significant role QEIA funding has played in closing the achievement gap of all students at Sierra, it is important to illustrate the structure of the instructional program which helped to realize these positive results. The program begins with sixth grade. To ease the transition from elementary to intermediate, the majority of sixth grade students are enrolled in self-contained core classes. This not only eases the transition, but also fosters the development

of meaningful student-to-teacher relationships. This further promotes the students' sense of ownership of their education and identity as a member of the school which endures through their three years at Sierra.

Supporting the diverse educational requirements of a student population whose instructional needs range from special needs, to English learners to gifted and talented students requires an instructional day with a variety of offerings. For students in need of interventions, whether they are students who are struggling academically or students who need assistance in learning English, there are a number of options and offerings to provide the specific support needed. Intervention reading courses as well as a three-period English language arts intervention block are available for students who score at the Below Basic and Far Below Basic level on the English Language Arts (ELA) portion of the California Standards Test (CST). In addition, extended learning time in the form of after school classes and summer school classes were provided to students who scored at the Basic, Below Basic and Far Below Basic level on both the ELA and math portions of the CST.

Providing for the differentiated instructional needs of their student population does not end with the aforementioned interventions for struggling students. For students who demonstrate high achievement on grade level standards, honors courses in all core content areas at all grade levels are included in the master schedule. Teachers in these courses have received professional development training on Kaplan's strategies of depth and complexity, novelty and acceleration though content/thinking prompts. This training has a significant "spill-over effect" as the strategies employed by these teachers in courses outside of honors/GATE classes benefit all students. Finally, Sierra also offers extended learning and enrichment program after school and on Saturdays for all students.

The significant strides in closing the achievement gap at Sierra could not have been realized without the collaboration time and professional development which was supported through QEIA funding. Collaborative time was utilized to strengthen the instructional program at Sierra. During these sessions, staff met to create common assessments, review data on student progress to inform instructional planning and determine appropriate strategies to provide the support needed to accelerate achievement. Building upon professional development on Thinking Maps, GLAD strategies and Sheltered Instruction Observation Protocol (SIOP), teachers created and implemented a school-wide plan which included opportunities to infuse critical thinking skills and improve English language acquisition through interactive lessons which integrated speaking, reading, writing and listening activities.

The instructional program, interventions, enrichment and support structures implemented through the assistance of QEIA funding at Sierra directly contributed to the three years of academic growth at all grade levels and across all significant student subgroups.

Justification for Total Core Sections above 27 Students

The reasons that Sierra Preparatory Academy inadvertently exceeded the Rule of 27 are as follows:

Sierra Preparatory Academy is a Visual and Performing Arts (VAPA) magnet which serves a diverse student population: special needs, to English learners to gifted and talented (GATE) students. Providing for the wide variety of instructional needs for this diverse student population, while also supporting the school's vision and mission for VAPA created some significant complications to the master schedule:

- SAUSD Intermediate schools have the primary responsibility for creating their master schedules, which are normally developed in the spring of the previous school year based on enrollment, trends and patterns, as well as site specific initiatives and programs.
- QEIA school sites did not have a clear understanding of the Rule of 27; this can be attributed to site level administrative team turnover rates, as well as the economic impact that has reduced district level administrators to provide dedicated oversight. The QEIA administrator position, whose primary function was to provide direct guidance, oversight and monitoring to all 14 QEIA schools, was affected by these cuts.
- Sierra has had a complete transformation in staffing as it began its implementation of the SIG grant requirements: 100% change in administration - new principal, new learning director, new assistant principal, new operations administrator, new Community liaison and new outreach consultant.
- The 2010-11 master schedule did meet the QEIA school-wide class size average of 25 in the core courses. However, the Rule of 27 was not met in 45 sections; 10 at the 6th grade, 23 at the 7th and 12 at the 8th grade levels. Sierra's sixth grade classes are staffed with Multiple Subject credentialed teachers on a block schedule which significantly impedes scheduling flexibility.
- The VAPA program at Sierra provides a broad array of electives to support its mission and vision: Fine arts, industrial arts, choral music, band and orchestra are all included in Sierra's VAPA selections for students. However, not every VAPA selection is offered every period. For example, students in advanced orchestra, may only attend that class during one particular period through the day. That same student may also require an intervention or access to a core honors course which may also be offered at just one period during the school day.
- There are five levels of ELA/ELD intervention in the district-adopted program. Not all levels are offered every period. Providing the appropriate differentiated intervention instruction needed for students who were performing below grade level, while also providing access to specific VAPA courses which were only offered one point in the school day, created the unfortunate consequence where some class periods of intervention exceeded, by a few students, the rule of 27.
- Sierra is proud to be able to offer honors courses in all core subjects at all grade levels served. Providing open access to these higher level courses is a priority. However, not all honors courses are offered each period. As with accommodating the differentiated instructional needs of students who required placement in intervention courses, providing open access to honors

courses while also supporting the specific VAPA programs created a situation where some class periods of core honors courses exceeded, by a few students, the rule of 27.

Steps Implemented to Ensure Total Core Sections Remain below 27 Students

Santa Ana Unified School District has been working closely in consultation with the Orange County Department of Education QEIA Assistance Center and reexamined the calculations for class sizes at Sierra Preparatory Academy for the 2010-2011 school year. While the school-wide average fell within the average of 25, it was acknowledged that there were some sections which still exceeded the Rule of 27. However, **with the single exception of the rule of 27, Sierra was found to have met and was in compliance in all other QEIA requirements**.

District staff is working with the site to monitor enrollment and placement of students to ensure that grade level averages remain below an average of 25. The district will collaborate with site administration to build next year's master schedule to ensure that all sections meet the Rule of 27 through effective balancing. Additional training for site administrators and counselors on student placement and creating a master schedule which makes certain proper enrollment in core classes in for all students is currently in place this year. Included in the training are safeguards to ensure that both the grade level average of 25, as well as the Rule of 27 is met for the subsequent school year. The District is endeavoring to get in compliance with Rule of 27 for the remainder of the school year.

Therefore, on behalf of Sierra Preparatory Intermediate, the Santa Ana Unified School District assures the maintenance of class average to 25, but respectfully requests permission to waive the Rule of 27 for 2010-2011 and 2011-2012.

With the assistance of QEIA funding, Sierra Preparatory Academy has the opportunity to make a significant and long-term impact on the achievement of the hundreds of under-represented students who attend the school. It is clear on several levels, that QEIA funding has been central to closing the achievement gap. Without it, it is likely that Sierra Preparatory Academy will not have sufficient resources to make these positive changes systemically sustainable. The loss of QEIA funding for Sierra will have a significant, negative impact on the momentum for positive progress the school has made in closing the achievement gap for all, but most specifically for their under-represented student populations. Santa Ana Unified respectfully requests the granting of this waiver to continue Sierra's positive efforts in closing the academic achievement gap, all of which has been made possible through the support of QEIA funding.

Waiver Number: 175-2-2012 **Period of Request:** July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012
Lathrop Intermediate School **CDS Code:** 30 66670 6058978
Santa Ana Unified School District

Local Educational Agency Request:

Santa Ana Unified School District (USD) is an urban school district located in Orange County with a student population of approximately 56,000 students. Lathrop Intermediate School (IS) serves 1,179 students in grades six through eight. Monitoring performed by the Orange County Department of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Lathrop IS in one grade six class, five grade seven classes, and one grade eight class for school year 2010–11. Lathrop IS met the QEIA average class size requirements but exceeded the class size cap of 27 students per classroom.

Santa Ana USD states that Lathrop IS inadvertently exceeded the QEIA class size cap of 27 students per classroom because of master scheduling issues, and it did not have a clear understanding of the cap requirements. The district states that it had site level administration turnover as well as district level positions that were reduced due to economic constraints, which impacted oversight and monitoring of all of its QEIA schools.

Santa Ana USD requests a waiver for exceeding the QEIA class size cap of 27 students per core classroom for one grade six class, five grade seven classes, and one grade eight class at Lathrop IS for school year 2010–11. The district assures the maintenance of class averages at 25.0, and also requests permission to waive the class size cap of 27 for school year 2011–12 while it brings class sizes in line with QEIA requirements by the start of the 2012–13 school year.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Santa Ana USD's request that the QEIA 27-student cap per core classroom be waived for one grade six class, five grade seven classes, and one grade eight class at Lathrop IS for school year 2010–11. The CDE also supports Santa Ana USD's similar request for waiver of the QEIA 27-student cap per core classroom CSR requirement for school year 2011–12, based on the district's assertion that the school will meet its target by the end of the current year.

The CDE recommends approval with the following conditions: (1) Applies only to one grade six class, five grade seven classes, and one grade eight class at Lathrop IS for school year 2010–11; (2) Applies to grades six through eight classes at Lathrop IS for school year 2011–12; and (3) Within 30 days of approval of this waiver, Santa Ana USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Lathrop Intermediate Schoolsite Council on February 24, 2012.

Supported by Santa Ana Educators Association, August 31, September 13, 15, and 29, 2011.

Local Board Approval: October 11, 2011.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	7	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Santa Ana Unified School District	**Cathie Olsky, Ed. D.**	**cathie.olsky@sausd.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1601 E. Chestnut Ave.	**Santa Ana**	**California**	**92701**	**(714) 558-5523** Fax Number: **(714) 480-5321**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From**: 07/01/2010 To: 06/30/2012**	**October 11, 2011**	**October 11, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740** Circle One**: EC** or ~~*CCR*~~

   Topic of the waiver:
   The Santa Ana Unified School District (SAUSD) is requesting a waiver, on behalf of **Lathrop Intermediate School,** to waive Quality Education Investment Act (QEIA) Education Code section 52055.740(C)(i). Specifically, Lathrop Intermediate School is requesting waiving exit from QEIA based on the Rule of 27. The term of the waiver being requested is July 1, 2010-June 30, 2012.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **NOT APPLICABLE**
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **_X_ Yes** If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **08/31/11, 09/13/11, 09/29/11, 09/15/11**

   Name of bargaining unit and representative(s) consulted:
   Santa Ana Educators Association; Susan Mercer (President) and Norma Ortiz (CTA representative)

   The position(s) of the bargaining unit(s): __ Neutral **_X_ Support** __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school **_X__ Other: Notice posted at District Office on September 27, 2011**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request:
   February 24, 2012; School Site Council at Lathrop Intermediate School

   Were there any objection(s)? **No _X__** Yes ___ (If there were objections please specify)

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   EC 52055.740.

   (C)(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classroom at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "the average in 2006-07" for purposes of this subparagraph. ~~**A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.**~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   PLEASE SEE ATTACHED

8. Demographic Information:

   Santa Ana Unified is a K-12 urban school district in Orange County that serves a vibrant and largely Latino community. It is the 6th largest school district in the state of California and the largest in Orange County, with an enrollment of approximately 56,000 students. It includes 36 elementary schools, 9 intermediate schools, 6 comprehensive and 3 alternative high schools. Eighty seven percent (87%) of enrolled students participate in the free or reduced breakfast/lunch program and 60% are identified as English language learners. Spanish, Vietnamese and Khmer are the most common languages spoken. Currently, Santa Ana Unified has 54 teachers at the secondary level who are funded with QEIA funds, at a total $4,982,700. Approval of this waiver would allow SAUSD to maintain its staffing and funding while continuing to make academic gains.

Is this waiver associated with an apportionment related audit penalty? (per EC 41344) **No** ☒ **Yes** ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ **Yes** ☐
(If yes, please attach explanation or copy of CPM finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Deputy Superintendent**	Date: **February 27, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

On behalf of Lathrop Intermediate School, the Santa Ana Unified School District (SAUSD) is seeking a waiver of the QEIA Rule of 27 during the period of July 1, 2010 through June 30, 2012. SAUSD recognizes the positive and profound impact of QEIA's assistance in improving academic achievement during this period, and respectfully requests that Lathrop Intermediate's QEIA funding continue in order to maintain consistent gains and student support systems.

While SAUSD sincerely acknowledges that Lathrop Intermediate exceeded the Rule of 27, it is of imperative relevance to the request for forgiveness to note that Lathrop met or exceeded all other requirements of the QEIA statute during that same period. Lathrop's current API of 648 represents **a total average gain of 35 points over the past three years.** Details of these achievements will be further clarified in this waiver request.

QEIA funding has been a vital element in assisting Lathrop in closing the achievement gap for its under- represented students. Current QEIA funding supports approximately 12 full time teaching equivalencies. The estimated entitlement funding for 2011-2012 totals $1,168,200.00. This is a significant contribution which has provided essential assistance in improving academic achievement across the full spectrum of significant student subgroups.

Lathrop Intermediate is a Title I School located in an urban area of Orange County with an enrollment of approximately 1,179 students, grades 6 through 8. Of this total enrollment, **90.46%** are on free or reduced lunch and **59.7%** are identified as English learners.

The positive academic achievement results evidenced over the past three years were supported through the careful creation of an instructional program designed to meet the diverse needs of Lathrop's student population while also promoting accelerated academic achievement; all of which were made possible through the assistance of QEIA funding.

	API			
Lathrop	**2009**	**2010**	**2011**	**2009 to 2011**
All students	613	630	648	**+35**
Hispanic or Latino	613	629	648	**+35**
Socio-economically disadvantaged	611	631	649	**+38**
English Learners	582	598	619	**+37**
Students with Disabilities	341	369	461	**+92**

Data-driven instruction has been central to achieving Lathrop's goal of meeting the instructional needs of its diverse population of 1,300 students. Results from a variety of student achievement

data are considered when determining appropriate placement, instructional interventions and enrichment strategies to employ to meet the ever-changing needs of its students. This includes the careful examination of the results from state assessments, district benchmark assessments, common assessments, grades and authentic assessments such as the district writing proficiency. From this examination a list of comprehensive needs are identified and academic plans of action across subject and grade levels are established. QEIA funding has been essential in supporting the collaborative processes which facilitate the meaningful data-driven planning and instruction which has resulted in the positive academic growth achieved at Lathrop.

Curricular offerings which support the differentiated instructional needs and promote accelerated academic achievement for students school-wide and across all significant subgroups, are essential elements in Lathrop's formula for academic growth which has been supported through the assistance of QEIA funding. To promote the gateway skill of writing, students are placed into two period blocks of English Language Arts (ELA) to support learning and practicing the foundational levels of the writing process. Writing is supported across all disciplinary courses, including electives, through interdisciplinary writing research projects. For students who are struggling and performing below their grade level peers, a three-period block of intensive intervention in ELA is available to provide the support these students need to fill in the instructional gaps in students' reading and writing skills and catch up with their grade level peers.

Providing for the differentiated instructional needs of the student population at Lathrop does not end with the aforementioned interventions for struggling students. For students who demonstrate high achievement on grade level standards, honors courses in all core content areas at all grade levels are included in the master schedule. Teachers in these courses have received professional development training on Kaplan's strategies of depth and complexity, novelty and acceleration though content/thinking prompts. This training has a significant "spill-over effect" as the strategies employed by these teachers in courses outside of honors/GATE classes benefit all students.

The instructional program, interventions, enrichment and support structures implemented at Lathrop has directly contributed to the three years of academic growth at all grade levels and across all significant student subgroups. It is abundantly clear that the significant strides in closing the achievement gap at Lathrop could not have been realized without the assistance provided to the school and its instructional program through its QEIA funding.

Justification for Total Core Sections above 27 Students

The reasons that Lathrop Intermediate inadvertently exceeded the Rule of 27 are as follows:

- SAUSD intermediate schools have the primary responsibility for creating their master schedules, which are normally developed in the spring of the previous school year based on enrollment, trends and patterns, as well as site specific initiatives and programs.
- QEIA school sites did not have a clear understanding of the Rule of 27; this can be attributed to site level administrative team turnover rates, as well as the economic impact that reduced district level administrators to provide dedicated oversight. The QEIA administrator position, whose primary function was to provide direct guidance, oversight and monitoring to all 14 schools, was affected by these cuts.
- Lathrop Intermediate experienced a mid-second semester change in administration during the 2010 – 2011 school year. The interim principal noticed that there were numerous issues tied to the master schedule regarding access to appropriate instructional programs, balance and compliance. It was clear that these issues needed to be addressed immediately. During Spring Break, the first week of April 2011, the interim principal, with the assistance of the district administration, created a new master schedule to address and correct these imbalances and compliance issues in anticipation of changing students' schedules upon their return after Spring Break.
- The new master schedule did meet the QEIA school-wide class size average of 25 in the core courses. However, despite creating the new master schedule, the Rule of 27 was not met in seven sections: one in sixth, five in seventh and one in eighth grade.
- To meet the Rule of 27 in all sections, Lathrop Intermediate would have had to create six new core class sections to accommodate six students who enrolled during the second semester. To staff these classes, four teachers with Single Subject credentials or two teachers with Multiple Subject credentials and two teachers with Single Subject credentials would have had to been hired.

Steps Implemented to Ensure Future Total Core Sections Remain below 27 Students

Santa Ana Unified School District has been working closely in consultation with the Orange County Department of Education QEIA Assistance Center and reexamined the calculations for class sizes at Lathrop Intermediate for the 2010-2011 school year. While the school-wide average fell within the average of 25, it was acknowledged that there were some sections which still exceeded the Rule of 27. However, with the single exception of the rule of 27, Lathrop was found to have met and in compliance in all other QEIA requirements.

District staff is working with the site to monitor enrollment and placement of students to ensure that grade level averages remain below an average of 25. The district will collaborate with site administration to build next year's master schedule to ensure that all sections meet the Rule of 27 through effective

balancing. Additional training for site administrators and counselors on student placement and creating a master schedule which makes certain proper enrollment in core classes for all students is currently in place this year. Included in the training are safeguards to ensure that both the grade level average of 25, as well as the Rule of 27 is met for the subsequent school year. The District is endeavoring to get in compliance with Rule of 27 for the remainder of the school year.

Therefore, on behalf of Lathrop Intermediate, the Santa Ana Unified School District assures the maintenance of class averages to 25.0, but respectfully requests permission to waive the Rule of 27 for 2010-2011 and 2011-2012. With the assistance of QEIA funding, Lathrop Intermediate has the opportunity to make a significant and long-term impact on the achievement of the hundreds of under-represented students who attend the school. It is clear, on several levels, that QEIA funding has been central to closing the achievement gap. Without it, it is likely that Lathrop Intermediate will not have sufficient resources to make these positive changes systemically sustainable. The loss of QEIA funding for Lathrop Intermediate will have a significant, negative impact on the momentum for positive progress the school has made in closing the achievement gap for all, but most specifically for their under-represented student populations. SAUSD respectfully requests the granting of this waiver to continue Lathrop's positive efforts in closing the academic achievement gap, all of which has been made possible through the support of QEIA funding.

Waiver Number: 176-2-2012 **Period of Request:** July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012
Century High School **CDS Code:** 30 66670 3030491
Santa Ana Unified School District

Local Educational Agency Request:

Santa Ana Unified School District (USD) is an urban school district located in Orange County with a student population of approximately 56,000 students. Century High School (HS) serves 1,968 students in grades nine through twelve. Monitoring performed by the Orange County Department of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Century HS in twenty grade nine classes, twenty-two grade ten classes, sixteen grade eleven classes, and thirty grade twelve classes for school year 2010–11. Century HS met the QEIA average class size requirements but exceeded the class size cap of 27 students per classroom.

Santa Ana USD states that Century HS inadvertently exceeded the QEIA class size cap of 27 students per classroom because of master scheduling issues, and it did not have a clear understanding of the cap requirements. The district states that it had site level administration turnover as well as district level positions that were reduced due to economic constraints, which impacted oversight and monitoring of all of its QEIA schools.

Santa Ana USD requests a waiver for exceeding the QEIA class size cap of 27 students per core classroom for twenty grade nine classes, twenty-two grade ten classes, sixteen grade eleven classes, and thirty grade eight classes at Century HS for school year 2010–11. The district assures the maintenance of class averages at 25.0, and also requests permission to waive the class size cap of 27 for school year 2011–12 while it brings class sizes in line with QEIA requirements by the start of the 2012–13 school year.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Santa Ana USD's request that the QEIA 27-student cap per core classroom be waived for twenty grade nine class, twenty-two grade ten classes, sixteen grade eleven classes, and thirty grade eight classes at Century HS for school year 2010–11. The CDE also supports Santa Ana USD's similar request for waiver of the QEIA 27-student cap per core classroom CSR requirement for school year 2011–12, based on the district's assertion that the school will meet its target by the end of the current year.

The CDE recommends approval with the following conditions: (1) Applies only to twenty grade nine classes, twenty-two grade ten classes, sixteen grade eleven classes, and thirty grade twelve classes at Century HS for school year 2010–11; (2) Applies to grade nine through twelve classes at Century HS for school year 2011–12; and (3) Within 30 days of approval of this waiver, Santa Ana USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any

other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Century High Schoolsite Council on February 24, 2012.

Supported by Santa Ana Educators Association, August 31, September 13, 15, and 29, 2011.

Local Board Approval: October 11, 2011.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	0	6	6	6	7	0

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Santa Ana Unified School District	**Cathie Olsky, Ed. D.**	**cathie.olsky@sausd.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
1601 E. Chestnut Ave.	**Santa Ana**	**California**	**92701**	**(714) 558-5523** Fax Number: **(714) 480-5321**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From**: 07/01/2010** To: **06/30/2012**	**October 11, 2011**	**October 11, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740** Circle One**:** ***EC*** or ~~*CCR*~~

   Topic of the waiver:
   The Santa Ana Unified School District (SAUSD) is requesting a waiver, on behalf of **Century High School**, to waive **Quality Education Investment Act (QEIA) Education Code section 52055.740(C)(i).** Specifically, Century High School is requesting waiving exit from QEIA based on the Rule of 27. The term of the waiver being requested is July 1, 2010-June 30, 2012.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **NOT APPLICABLE**
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **_X_ Yes**
   If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **08/31/11, 09/13/11, 09/29/11, 09/15/11**

   Name of bargaining unit and representative(s) consulted:
   Santa Ana Educators Association; Susan Mercer (President) and Norma Ortiz (CTA representative)

   The position(s) of the bargaining unit(s): __ Neutral **_X_ Support** __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school **_X__ Other: Notice posted at District Office on September 27, 2011**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request:
   February 24, 2012; School Site Council at Century High School

   Were there any objection(s)? **No _X__** Yes ___ (*If there were objections please specify)*

6. Education Code or California Code of Regulations section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a strike out key).

   EC 52055.740.
   (C)(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classroom at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "the average in 2006-07" for purposes of this subparagraph. ~~**A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.**~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   PLEASE SEE ATTACHED

8. Demographic Information:

   Santa Ana Unified is a K-12 urban school district in Orange County that serves a vibrant and largely Latino community. It is the 6th largest school district in the state of California and the largest in Orange County, with an enrollment of approximately 56,000 students. It includes 36 elementary schools, 9 intermediate schools, 6 comprehensive and 3 alternative high schools. Eighty seven percent (87%) of enrolled students participate in the free or reduced breakfast/lunch program and 60% are identified as English language learners. Spanish, Vietnamese and Khmer are the most common languages spoken. Currently, Santa Ana Unified has 54 teachers at the secondary level who are funded with QEIA funds, at a total $4,982,700. Approval of this waiver would allow SAUSD to maintain its staffing and funding while continuing to make academic gains.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Deputy Superintendent**	Date: **February 27, 2012**

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

On behalf of Century High School, the Santa Ana Unified School District (SAUSD) is seeking a waiver of the QEIA Rule of 27 during the period of July 1, 2010 through June 30, 2012. SAUSD recognizes the positive and profound impact of the QEIA's assistance in improving academic achievement during this period, and respectfully requests that Century's QEIA funding continue in order to maintain consistent gains and student support systems.

While SAUSD sincerely acknowledges Century High School exceeded the Rule of 27, it is of imperative relevance to the request for forgiveness to note that Century met or exceeded all other requirements of the QEIA statute during that same period. Century's current API of **615** represents **a total average gain of 23 points over the past three years.** Details of these achievements will be further clarified in this waiver request.

QEIA funding has been a vital element in assisting Century in closing the achievement gap for its under-represented students. Current QEIA funding supports approximately 27 full time teaching equivalencies. The estimated entitlement funding for 2011-1012 totals $2,163,000.00. This is a significant contribution which has provided essential assistance in improving academic achievement across the full spectrum of significant student subgroups.

Century High School is a Title 1 school located in an urban area of Orange County with an enrollment of approximately 1,968 students, grades 9 though 12. Of this total enrollment, **83.29%** are on free or reduced lunch and **46.4%** are identified as English learners.

The positive academic achievement results evidenced over the past three years were supported through the careful creation of an instructional program designed to meet the diverse needs of Century's student population while also promoting accelerated academic achievement; all of which were made possible through the assistance of QEIA funding.

	API			
Century	**2009**	**2010**	**2011**	**2009 to 2011**
All students	592	589	615	**+23**
Asian	N/A	N/A	681	**N/A**
Hispanic or Latino	589	585	613	**+24**
Socio-economically disadvantaged	589	589	613	**+24**
English Learners	552	548	577	**+25**
Students with Disabilities	375	330	350	**-25**

Century High School is making significant gains in closing the achievement gap for under-represented students. In fact, Century High School has been recognized for a number of notable achievements accomplished over the past three years:

- Most Improved passing rate in Orange County on the California High School Exit Exam
- SAUSD's High School with the most improved attendance
- Graduation rate: 87.75%. This is 7.25 points higher than the state average of 80.5%

These significant accomplishments were achieved by providing students with a rigorous learning environment which ensures student achievement and promotes college and career readiness: An educational environment which has been significantly aided through the assistance of QEIA funding. With the assistance of QEIA, the administration and staff are working diligently to implement a Science, Technology, Engineering, Arts and Mathematics education transformation model: STEAM. This educational model emphasizes a curriculum which provides meaningful opportunities to connect classroom learning to career investigation and preparation. The STEAM model also incorporates collaboration with families and community members to provide support and mentorship for students, and paves the way for lifetime success for students beyond the halls of Century High.

The staff at Century High School (CHS) is committed to supporting the diverse educational requirements of their student population whose broad instructional needs range from special needs, to English learners, to gifted and talented students. To support all students, CHS incorporates a variety of instructional offerings and settings during and beyond the school day. During the school day, placement in core academic classes (intervention to strategic support, benchmark and college preparation courses) is determined to support academic success based on California Content Standards for all students. Teachers provide direct instruction of standards-based lessons with clearly stated objectives to increase English language proficiency in reading comprehension and writing.

Students who have scored basic, below basic and far below basic on the California Standards Test (CST) in English Language Arts and/or mathematics have a number of options to support their educational needs. In addition, many students have been provided with double blocked classes created to support the accelerated achievement needed to catch up with their grade level peers. To provide the additional instructional assistance needed to narrow the achievement gap for these students the following support systems have been provided:

- Extension of their instructional day
- Access to summer school intervention courses
- Access to Saturday school academies

With 46.6% of the total student population identified as English learners, a great deal of the collaborative staff time has been devoted to planning and implementing lessons which

incorporate instructional strategies and activities which support English language acquisition and promote English language proficiency for this significant group of students. CHS staff has worked carefully to thoughtfully pair and organize students for active engagement during daily lessons. Students have been given multiple opportunities to use academic language both orally and in writing throughout daily lessons; this has been done by the use of Cornell note taking strategies and classroom learning journals designed to provide opportunities for students to use academic language and to summarize their learning.

Providing for the differentiated instructional needs of the student population at CHS does not end with the aforementioned interventions for struggling students and English learners. For students who demonstrate high achievement on grade level standards, honors courses in all core content areas at all grade levels are included in the master schedule as well as a wide array of Advanced Placement (AP) courses to prepare for college and career readiness. CHS provides open access to honors and advanced placement courses for all students. Teachers in these honors and AP courses have received professional development training on Kaplan's strategies of depth and complexity, novelty and acceleration though content/thinking prompts. This training has a significant "spill-over effect" as the strategies employed by these teachers in courses outside of honors/GATE classes benefit all students.

The significant strides in closing the achievement gap at CHS could not have been realized without the collaboration time and professional development which was supported through QEIA funding. Collaborative time was utilized to strengthen the instructional program at CHS.

During these sessions, staff:

- Created common assessments
- Reviewed data on student progress to inform instructional planning
- Determined appropriate instructional strategies to accelerate achievement
- Engaged in data analysis by departments to identify common areas of strength as well as areas for focused attention by reviewing student work and/or assessments.
- Identified areas of school-wide professional development to improve instruction

Building upon professional development on Thinking Maps, GLAD strategies and Sheltered Instruction Observation Protocol (SIOP), teachers created and implemented a school-wide plan which included opportunities to infuse critical thinking skills and improve English language acquisition through interactive lessons which integrated speaking, reading, writing and listening activities.

Justification for Total Core Sections above 27 Students

The reasons that Century High School inadvertently exceeded the Rule of 27 are as follows:

- SAUSD high schools have the primary responsibility for creating their master schedules, which are normally developed in the spring of the previous school year based on enrollment, trends and patterns, as well as site specific initiatives and programs.
- QEIA school sites did not have a clear understanding of the Rule of 27; this can be attributed to site level administrative team turnover rates, as well as the economic impact that reduced district level administrators to provide dedicated oversight. The QEIA administrator position, whose primary function was to provide direct guidance, oversight and monitoring to all 14 QEIA schools, was affected by these cuts.
- Significant personnel issues at Century High School during the 2009-2010 school year, prompted the administration school changes for the 2010-2011 school year. These administrative changes created transition complications which impacted the master schedule and thereby caused Century to exceed Rule of 27 in 88 sections; 20 at the 9th, 22 at the 10th, 16 at the 11th and 30 at the 12th grade levels. Their new leadership team's tenure began with the complicated task of reconstructing the master schedule.
- The task of realigning the master schedule was complex because high school graduation, A-G, AP and academy requirements limit schedule flexibility and midstream changes. The STEAM program at Century provides a broad array of electives to support its mission and vision. However, not every STEAM selection is offered every period. For example, students who need to take industrial technology may only attend that class during one particular period through the day. That same student may also require an intervention or access to a core honors course or AP course which may also be offered at just one period during the school day.
- Century's master schedule includes a number of honors courses in all core subjects at all grade levels served as well as a broad array of Advanced Placement courses in a number of subjects. Providing open access to these higher level courses is a priority. However, not all honors or AP courses are offered each period.
- While attempting to reconcile the access, balance and compliance issues of the old master schedule to the new one, a significant complication was encountered. To provide open access to honors and courses while also supporting the specific STEAM programs. This, unfortunately, created a situation where some class periods of core honors courses exceeded the Rule of 27.

Steps Implemented to Ensure Total Core Sections Remain below 27 Students

Santa Ana Unified School District has been working closely in consultation with the Orange County Department of Education QEIA Assistance Center and reexamined the calculations for class sizes at Century High School for the 2010-2011 school year. While the school-wide average fell within the

average of 25, it was acknowledged that there were some sections which still exceeded the Rule of 27. However, with the single exception of the Rule of 27, Century was found to have met and was in compliance in all other QEIA requirements.

District staff is working with the site to monitor enrollment and placement of students to ensure that grade level averages remain below an average of 25. The district will collaborate with site administration to build next year's master schedule to ensure that all sections meet the Rule of 27 through effective balancing. Additional training for site administrators and counselors on student placement and creating a master schedule which makes certain proper enrollment in core classes for all students is currently in place this year. Included in the training are safeguards to ensure that both the grade level average of 25, as well as the Rule of 27 is met for the subsequent school year. The District is endeavoring to get in compliance with Rule of 27 for the remainder of the school year.

Therefore, on behalf of Century High School, the Santa Ana Unified School District assures the maintenance of class average to 25, but respectfully requests permission to waive the Rule of 27 for 2010-2011 and 2011-2012.

With the assistance of QEIA funding, Century High School has the opportunity to make a significant and long-term impact on the achievement of the hundreds of under-represented students who attend the school. It is clear, on several levels, that QEIA funding has been central to closing the achievement gap. Without it, it is likely that Century High School will not have sufficient resources to make these positive changes systemically sustainable. The loss of QEIA funding for Century High School will have a significant, negative impact on the momentum for positive progress the school has made in closing the achievement gap for all, but most specifically for their under-represented student populations. SAUSD respectfully requests the granting of this waiver to continue Century's positive efforts in closing the academic achievement gap, all of which has been made possible through the support of QEIA funding.

Waiver Number: 183-2-2012 **Period of Request:** July 1, 2012, to June 30, 2015
Period Recommended: July 1, 2012, to June 29, 2014

Barbara Webster Elementary School **CDS Code:** 56 72587 6055545
Glen City Elementary School **CDS Code:** 56 72587 6055578
Grace S. Thille Elementary School **CDS Code:** 56 72587 6055586
Santa Paula Elementary School District

Local Educational Agency Request:

Santa Paula Elementary School District (ESD) is located in a small city in Ventura County with a student population of approximately 3,760 students. Barbara Webster Elementary School (ES), Glen City ES, and Grace S. Thille ES serve 404, 592, and 369 students, respectively, in kindergarten and grades one through five (K–5). The district received a waiver to meet the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) for school year 2010–11 and is asking for an alternative QEIA CSR target for school years 2012–13 and 2014–15. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science in K–3 were 22.0, and in grades four and five 25.0 and 25.0, respectively, with the exception of Grace S. Thille ES grade five at 24.0.

Santa Paula ESD states that revenue limit funding cuts have resulted in teacher reductions, causing an increase in the student-to-teacher ratio in all schools in the district. The district states that all QEIA kindergarten through grade three classes have twenty-two students and grade four and five classes have twenty-five students. Non-QEIA schools may have twenty-six students in kindergarten through grade three classes and thirty-two students in grade four and five classes, which is the maximum capacity allowed based on the bargaining unit agreement. The district states that in order to stabilize the budget, it is necessary to reduce spending, which will include a reduction of the number of classroom teachers.

Santa Paula ESD requests a waiver of the QEIA CSR targets for kindergarten and grades one through three at Barbara Webster ES, Glen City ES, and Grace S. Thille ES for school years 2012–13, 2013–14, and 2014–15 and the establishment of alternative CSR targets of 23.0 students per class in kindergarten and grades one through three at Barbara Webster ES, Glen City ES, and Grace S. Thille ES and 25.0 students on average in core classes in grade five at Grace S. Thille ES.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Santa Paula ESD's request to increase its CSR targets for kindergarten and grades one through three at Barbara Webster ES, Glen City ES, and Grace S. Thille ES. The CDE also supports the request to increase CSR targets in grade five at Grace S. Thille ES.

The CDE recommends approval with the following conditions: (1) Applies only to kindergarten and grades one through three classes at Barbara Webster ES, Glen City ES, and Grace S. Thille ES for school years 2012–13 and 2013–14; (2) Applies only to

grade five classes at Grace S. Thille ES for school years 2012–13 and 2013–14; (3) Barbara Webster ES, Glen City ES, and Grace S. Thille ES increase to 23.0 per class in kindergarten and grades one through three for school years 2012–13 and 2013–14, with no class exceeding 27; (4) Grace S. Thille increase to 25.0 students on average in core classes in grade five for school years 2012–13 and 2013–14, with no class exceeding 27; and (5) Within 30 days of approval of this waiver, Santa Paula ESD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by District Advisory Committee and Webster Elementary Schoolsite Council on February 22, 2012.

Supported by Santa Paula Federal Teacher's Union, February 21, 2012.

Local Board Approval: February 23, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	6	7	2	5	8	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Santa Paula Elementary School District	**Robin I. Freeman** **Assistant Superintendent**	**rfreeman@spsed.org**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
201 S. Steckel Drive	**Santa Paula**	**CA**	**93060**	**(805) 933-8804** Fax Number: **(805) 933-3023**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: **July 1, 2012** To: **June 30, 2015**	**February 23, 2012**	**February 23, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*
52055.740(a)

Topic of the waiver: **QEIA Class Size Reduction**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **24-10-2011** and date of SBE Approval **1/12/12** Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): **February 21, 2012**

Name of bargaining unit and representative(s) consulted: **Santa Paula Federal Teacher's Union, Carolyn Ishida, President**

The position(s) of the bargaining unit(s): __ Neutral _X__ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X_ Notice posted at each school _X_ Other: *(Please specify)*
Santa Paula High School, city of Santa Paula, Blanchard Library

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
District Advisory Committee, Webster School Site Council

Date the committee/council reviewed the waiver request: **February 22, 2012**

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

~~(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The district is requesting a permanent single QEIA class size average of 23 pupils per classroom in grades kindergarten through third and a permanent single QEIA class size average of 28 pupils per classroom in grades 4 and 5 for the time periods from July 1, 2012 through June 30, 2015.

State level cuts to revenue limit funding have resulted in teacher reductions, causing an increase of the student-to-teacher ratio in all schools in the district. Currently under a previously approved waiver, QEIA schools have 22 students in kindergarten through third grade classes; fourth and fifth grade classes have 25 students. Non-QEIA schools may have 26 students in kindergarten through third grade and 32 in grades four and five, which is the maximum capacity based on the current bargaining unit agreement with the teachers' union.

In order to stabilize the district's budget for 2012-15, it will be necessary to reduce spending by $1.3 million – $2.6 million dollars, depending on the outcome of the Governor's proposed tax initiative. It will undoubtedly be necessary to reduce personnel, including the number of classroom teachers, thus increasing class size.

This waiver would allow the district to have class sizes at QEIA schools remain substantially lower than the non-QEIA schools. Students could remain in their home school, and in a class with their grade level peers. Student achievement on the CST has improved at all three QEIA schools due in part to limiting combination classes. Each of these QEIA schools are schoolwide Title I schools; they qualify for Provision 2 free and reduced lunch; and they have a significant number of English learners.

8. Demographic Information:
Santa Paula Elementary School District has a student population of **3,760** and is located in a **small city** in **Ventura** County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: **Superintendent**	Date: **February 23, 2012**
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 125-2-2012 **Period of Request:** July 1, 2011, to June 30, 2014
Period Recommended: July 1, 2010, to June 29, 2012
Helms Middle School **CDS Code:** 07 61796 6057228
West Contra Costa Unified School District

Local Educational Agency Request:

West Contra Costa Unified School District (USD) is located in Contra Costa County with a student population of approximately 29,978 students. Helms Middle School (MS) has a student population of approximately 950 students in grades seven and eight. Monitoring performed by the Contra Costa County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met by Helms MS for grades seven and eight non-core classes in school year 2010–11. Helms MS's current QEIA non-core class size target for grades seven and eight is 32.4.

West Contra Costa USD states that during the 2005–06 QEIA base year class size calculation, Helms MS experienced a statistical anomaly which caused non-core class sizes to be artificially low. The district states that from 2004–05 to 2008–09, teachers elected, without additional pay, to teach six periods in order to alleviate the impacted schedules of the majority of Helms MS students who were required to take ELD and either a math or reading intervention course. This configuration increased the total number of sections for the school and hence lowered average class size as recorded in CBEDS data.

West Contra Costa USD requests a waiver of the QEIA non-core class size target for grades seven and eight at Helms MS for school year 2010–11 and the establishment of an alternative non-core class size target of 38.9 in grades seven and eight for school years 2010–11 and 2013–14.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports West Contra Costa USD's request to increase its QEIA non-core class size target for grades seven and eight at Helms MS.

The CDE recommends approval with the following conditions: (1) Applies only to grades seven and eight classes at Helms MS for the period July 1, 2010, through June 29, 2012; (2) Helms MS increase to 38.9 students per non-core class in grades seven and eight; and (3) Within 30 days of approval of this waiver, West Contra Costa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the CSR requirement.

Reviewed by Helms Middle Schoolsite Council on January 12, 2012.

Supported by United Teachers of Richmond, January 10, 2012.

Local Board Approval: February 1, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
0	7	6	1	7	9	6

Local educational agency: Helms Middle School West Contra Costa Unified School District	Contact name and Title: **Lyn Potter** Director of Educational Services	Contact person's e-mail: lpotter@wccusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary): 510-307-4500
1108 Bissell Ave.	Richmond	CA	94801	Fax Number: 510-222-4618

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1, 2011 To: June 30, 2014	February 1, 2012	February 1, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) D Circle One: EC or *CCR*

   Topic of the waiver: 1. QEIA Mandated Class Size Reduction Goal ***for Non-Core Classes***

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A__ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 10, 2012

   Name of bargaining unit and representative(s) consulted: United Teachers of Richmond; Diane Brown, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Helms School Site Council: January 12,2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.**740** (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(Strike out as follows.)

~~(D) Not increase any other class size in the school above the size used during the 2005-06 school year.~~

7. Desired outcome/rationale.

In the fall of 2010-11, Helms moved into a newly constructed building and added a new administrative team based on a required School Improvement Grant turnaround model. These major changes are coupled with a targeted focus on safety, rigorous instruction and high expectations for student achievement. Class size reduction directly supports this renewed emphasis on high achievement for all students and student subgroups by allowing teachers to work more closely with individual students and provide them with differentiated instruction designed to meet their unique needs. With the support of QEIA, Helms has had success in impacting student achievement. See chart below.

API Data

Academic Year	Base	Growth	Points
2005-06	575	590	+15
2006-07	595	614	+19
2007-08	614	592	-22
2008-09	595	612	+9
2009-10	611	618	+7
2010-11*	616	654	+38

*2010-11 new administration hired; teachers interviewed

To continue this academic improvement, we are requesting a General Waiver that establishes class size reduction requirements for **non-core** classes at 38.9:1.

Continued On The Attached Document

8. Demographic Information:

Helms Middle School is in San Pablo, CA, and has 950 students. The school population is 77% Latino/Hispanic, 11% African American, 7% Asian, and 3% White; 35% of students are currently in English Language Development classes and 92% of Helms students receive free or reduced lunch.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Section 7 Continued - Attachment-QEIA General Waiver, Helms Middle School

Class Size Reduction - Non-Core

We consider class size reduction to be one of the most important interventions available to move students to proficient levels. However, the current **non-core** class size reduction goal of 32.4 is unattainable for Helms using the funding available.

During the mandated base calculation year of 2005-06, Helms experienced a statistical anomaly which caused **non-core** class sizes to be artificially low. From 2004-05 to 2008-09 teachers elected, without additional pay, to teach six periods in order to alleviate the impacted schedules of the majority of Helms students who were required to take ELD and either a math or reading intervention course. This configuration increased the total number of sections for the school and hence lowered average class size as recorded in CBEDS data.

The positive result of an extra non-paid teaching period was that average **non-core** class sizes were reduced by 6.5 students. This significant change is depicted in the table below.

	6 Teaching Periods (2005-2006 Teacher Load)	5 Teaching Periods (Standard Teaching Load)
Period	Description and Size-	Description and Size-
1	Class-32.4 Students	Class-38.9 Students
2	Class-32.4 Students	Class-38.9 Students
3	Class-32.4 Students	Class-38.9 Students
4	Class-32.4 Students	Class-38.9 Students
5	Class-32.4 Students	Class-38.9 Students
6	Class-32.4 Students	
Average Student Contacts	194.4 Students	194.4 Students
Average Class Size	32.4 Students	38.9 Students

Due to the fact that base numbers used to calculate the QEIA Class Size Reduction were skewed during the critical base year, we request to reset Helms' QEIA funded **non-core** CSR numbers to a student-teacher ratio of 38.9:1.

Conclusion

Major changes in our administration team, facilities, and safety protocols, as well as an increased focus on rigorous instruction have created significant improvements in the school climate and academic achievement. Helms' academic performance continues to improve for all of our students due to productive use of the QEIA funding. The Helms' community is proud of the progress made and looks forward to continued improvements in student achievement with **non-core** classes averaged at 38.9:1.

ITEM #W-33

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by five local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding the Teacher Experience Index under the Quality Education Investment Act. Waiver Number(s): Lucerne Valley Unified 139-2-2012 Madera Unified 68-1-2012 Oakland Unified 54-2-2012 Oakland Unified 57-2-2012 San Francisco Unified 164-2-2012 West Contra Costa Unified 124-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1, 3, 5, 7, 9, and 11 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to waive the Teacher Experience Index (TEI) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All TEI waivers previously presented have been approved by the SBE.

SUMMARY OF KEY ISSUES

Teacher Experience Index

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements. Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

QEIA schools are required to include an index based on the 2005–06 California Basic Educational Data System Professional Assignment Information Form as the base-

SUMMARY OF KEY ISSUES (Cont.)

reporting year to evaluate annual improvements of funded schools toward balancing the index of teacher experience. Approved by the district superintendent, the index is an aggregate indicator of the teaching experience on a scale of one to ten. QEIA schools are required to have a TEI equal to or exceeding the average for the school district for this type of school and maintain or exceed this experience level for the duration of funding.

If an LEA requests a waiver of the TEI, the CDE reviews a range of information regarding the unique circumstances of the school and the LEA when formulating a recommendation to the SBE.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the TEI targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Lucerne Valley Unified School District Request 139-2-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 2: Lucerne Valley Unified School District General Waiver Request 139-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Madera Unified School District Request 68-1-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

ATTACHMENT(S) (Cont.)

Attachment 4: Madera Unified School District General Waiver Request 68-1-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Oakland Unified School District Request 54-2-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 6: Oakland Unified School District General Waiver Request 54-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Oakland Unified School District Request 57-2-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 8: Oakland Unified School District General Waiver Request 57-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: San Francisco Unified School District Request 164-2-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 10: San Francisco Unified School District General Waiver Request 164-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: West Contra Costa Unified School District Request 124-2-2012 for a Quality Education Investment Act Teacher Experience Index Waiver (2 pages)

Attachment 12: West Contra Costa Unified School District General Waiver Request 124-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 139-2-2012 **Period of Request:** July 1, 2011, to June 30, 2013
Period Recommended: July 1, 2011, to June 29, 2013
Lucerne Valley Elementary School **CDS Code:** 36 75051 6035976
Lucerne Valley Unified School District

Local Educational Agency Request:

Lucerne Valley Unified School District (USD) is a rural school district located in the high desert of San Bernardino County and has a student population of approximately 831 students. Lucerne Valley Elementary School (ES) serves 444 students in kindergarten and grades one through six (K–6). Lucerne Valley USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Lucerne Valley USD TEI is 8.9. Lucerne Valley ES is the only school in Lucerne Valley USD with a grade configuration of K–6, so no comparative TEI data is available.

Lucerne Valley USD states that Lucerne Valley ES is the sole elementary school in the district. The district states that it continues to decline in enrollment annually, yet student achievement has increased dramatically. The district states that it has maintained a high TEI despite ongoing expected attrition and having lost seven high seniority teachers who have retired since school year 2007. In school year 2011–12 the district will not meet the TEI requirement because of the loss of an additional two experienced teachers.

Lucerne Valley USD requests a waiver of the QEIA TEI target for Lucerne Valley ES and establishment of an alternative TEI target of 8.0 for school years 2011–12 and 2012–13.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	42*
LEA Average Daily Attendance (ADA)	831
School ADA	444
Grade Span	K–6
Total Number Of Schools With Similar Grade Span	Only School
2005–06 TEI	8.9
2010–11 QEIA School TEI	8.9
2011–12 QEIA School TEI (Projected)	8.0
2011–12 Similar Type School TEI	Only School
Percent Of Similar Type School (2010–11 Data)	Only School
Made API Growth?	Yes
Made AYP?	No

*Rural Distant: Census-defined rural territory that is more than 5 miles but less than or equal to 25 miles from an urbanized area, as well as rural territory that is more than 2.5 miles but less than or equal to 10 miles from an urban cluster.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lucerne Valley USD's request to reduce its TEI target for Lucerne Valley ES for school years 2011–12 and 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Lucerne Valley ES; (2) For the period July 1, 2011, through June 29, 2013, the alternate TEI index of 8.0 shall be established at Lucerne Valley ES; and (3) Within 30 days of approval of this waiver, Lucerne Valley USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Lucerne Valley Elementary Schoolsite Council on February 16, 2012.

Supported by Lucerne Valley Teachers Association, February 10 and 15, 2012.

Local Board Approval: February 17, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: x
Renewal Waiver:

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	7	5	0	5	1

Local educational agency: **Lucerne Valley Unified School District**	Contact name and Title: **Suzette M. Davis** **District Superintendent**	Contact person's e-mail address: **suzette_davis@lvsd.k12.ca.us**
Address: (City) (State) (ZIP) **8560 Aliento Rd** **Lucerne Valley, CA 92356**		Phone (and extension, if necessary): **760-248-6108 ext 4131** Fax Number: **760-248-6677**
Period of request: (month/day/year) From: **7/1/2011** To: **6/30/2013**	Local board approval date: (Required) **February 17, 2012**	Date of public hearing: (Required) **February 17, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740 (a) (4)** Circle One: ***(EC)*** or *CCR*
   Topic of the waiver: **Quality Education Investment Act-Teacher Experience Index**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: n/a and date of SBE Approval n/a
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **February 10, 2012 and February 15, 2012**

   Name of bargaining unit and representative(s) consulted: **Cynthia McDonough and Matthew Roehl**
   Co-Presidents-Lucerne Valley Teachers Association LVTA
   Karol Thompson
   President-CSEA

   The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper **X** Notice posted at each school **X** Other: *(Please specify)* **District Website, Local Market, Café 247, Local Bank**

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: **Lucerne Valley Elementary School School Site Council reviewed February 16, 2012**

   Were there any objection(s)? No **X** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

~~(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.~~

7. *Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.*

Lucerne Valley Elementary School is the sole elementary school in the Lucerne Valley Unified School District. It (like the district) continues to decline in enrollment annually. Yet despite declining enrollment, student achievement has increased dramatically since 2006 as shown below:

API Base	2006	2007	2008	2009	2010	2011
LVES	617	648	696	727	726	744

Being a QEIA school has been a key factor in this growth. We have diligently met the QEIA annual requirements. The 2011-2012 will be the first exception. Our baseline Teacher Experience Index was established at 8.8. The 2010-2011 TEI for LVES was 8.9. We have maintained a high TEI despite ongoing expected attrition, having lost 7 high seniority teachers who have retired since 2007. We have brought down multiple subject credentialed teachers from the middle-school (having no other elementary schools in district to draw from), as well as hiring from outside the district to replace these teachers. However, we will not meet TEI (expected TEI 8.4) in 2011-2012, with the loss of two of our most experienced teachers; one out on leave of absence and the other promoted from within to become principal after the current principal became district superintendent. We feel we have represented the integrity of the QEIA program goals throughout and respectfully request a TEI baseline target of 8.0 for two years.

8. Demographic Information:
LVUSD/LVES has a student population of **831/444** (as of January 2012) and is located in a very rural area in the High Desert of San Bernardino County. The district currently has a High School and Middle School located on one site, an elementary school, and a two class alternative education program located at the district office site.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ■ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ■ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: District Superintendent	Date: February 17, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 68-1-2012 **Period of Request:** July 1, 2010, to June 30, 2012
Period Recommended: July 1, 2010, to June 29, 2012
Martin Luther King Jr. Middle School **CDS Code:** 20 65243 6112973
Madera Unified School District

Local Educational Agency Request:

Madera Unified School District (USD) is an urban school district located in Madera County and has a student population of approximately 19,576 students. Martin Luther King Jr. Middle School (MS) serves 706 students in grades seven and eight. Madera USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Madera USD middle school TEI is 6.9. Madera USD's average TEI for 2010–11 for this type of school is 7.15.

Madera USD states that Martin Luther King Jr. (MS) has consistently met all the requirements of the QEIA implementation timeline with the exception of the TEI at the conclusion of the 2010–11 school year. The districts states that the TEI at the start of the 2008–09 fiscal year was 7.4, and if all staff members had remained at Martin Luther King Jr. MS, the TEI would have been met. However, a number of transfers and retirements have impacted the school's TEI.

Madera USD requests a waiver of the QEIA TEI target for Martin Luther King Jr. MS for school years 2010–11 and 2011–12 and establishment of an alternative TEI target of 6.7 for school year 2010–11 and 6.0 for school year 2011–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	13*
LEA Average Daily Attendance (ADA)	19,576
School ADA	706
Grade Span	7–8
Total Number Of Schools With Similar Grade Span	2
2005–06 TEI	6.9
2010–11 QEIA School TEI	6.7
2010–11 Similar Type School TEI	7.15
2011–12 QEIA School TEI (Projected)	6.0
2011–12 Similar Type School TEI (Projected)	7.15
Percent Of Similar Type School (2010–11 Data)	93.7
Made API Growth?	Yes
Made AYP?	No

*City Small: Territory inside an urbanized area and inside a principal city with population less than 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Madera USD's request to reduce its TEI target for Martin Luther King Jr. MS for school years 2010–11 and 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Martin Luther King Jr. MS; (2) For school year 2010–11, the alternate TEI index of 6.7 shall be established and for 2011–12, the alternative TEI index of 6.0 shall be established at Martin Luther King Jr. MS; and (3) Within 30 days of approval of this waiver, Madera USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by District Advisory Committee and District English Learner Advisory Committee on December 1, 2011.

Supported by Madera Unified Teachers Association, November 30, 2011.

Local Board Approval: December 13, 2011.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	1	1	2	9	7	3

Local educational agency: **Madera Unified School District**	Contact name and Title: Deborah Wood, Associate Superintendent of Educational Services	Contact person's e-mail address: wood_d@madera.k12.ca.us
Address: (City) (State) (ZIP) 1902 Howard Road Madera California 93637		Phone (and extension, if necessary): 559.675.4500 ext. 203 Fax Number: 559.675.4528
Period of request: (month/day/year) From: 7/1/2010 To: 6/30/2011	Local board approval date: (Required) December 13, 2011	Date of public hearing: (Required) December 13, 2011

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: (*EC*) or *CCR*

   Topic of the waiver**: Quality Education Improvement Act (QEIA) Teacher Experience Index (TEI)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____and date of SBE Approval_____ Renewals of waivers must be submitted two months before the active waiver expires. ***First time request***.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No x Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): November 30, 2011

   Name of bargaining unit and representative(s) consulted: Kathy Horn, Madera Unified Teacher's Assoc., President

   The position(s) of the bargaining unit(s): __ Neutral X Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised? Posted notices at each school site on 12/7/2011.

   ___ Notice in a newspaper __x_ Notice posted at each school __x_ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request:
   District Advisory Committee and District English Learner Advisory Committee on December 1, 2011.

   Were there any objection(s)? No _x__ Yes __ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code 52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

~~(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

QEIA requires that schools within Madera Unified that receive funding attain a specific target for Teacher Experience Index (TEI) to be fully compliant with the requirements for the 2010-2011 fiscal year. Martin Luther King has consistently met all the requirements of the QEIA implementation timeline with the exception of the TEI at the conclusion of the2010-2011 fiscal year. The TEI that was the initial target for the 2010-2011 school was 6.9. The preliminary calculation for MLK's TEI was 6.7 which is only slightly lower than the identified target of 6.9.

Madera Unified is seeking a temporary waiver of this requirement in order to continue to benefit from the academic improvement that the QEIA grant has helped provide for this school. Martin Luther King is seeking a waiver of this requirement from July 1, 2010 through June 30, 2011.

The TEI was calculated at the start of the 2008-2009 fiscal year at 7.4. If all staff members had remained at MLK the anticipated TEI for the 2009-2010 would have been 7.4. This would have not only met the TEI target for MLK but would have exceeded the goal for the 2010-2011 fiscal year and beyond.

It is the recommendation of the Madera Unified School District that MLK be allowed to continue to receive QEIA funding for the 2012-2013 fiscal year.

8. Demographic Information:
(*District/school/program)* ***Martin Luther King*** has a student population of ***706*** and is located in a high density urban area in ***Madera*** within ***Madera County. MLK has the highest poverty index 91% and the highest EL percentage 31% of all middle schools within Madera Unified School District.***

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee: Marisa DiMauro	Title: Director of State and Federal Programs	Date: December 14, 2011
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 54-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Claremont Middle School **CDS Code:** 01 61259 6057004
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County and has a student population of approximately 46,600 students. Claremont Middle School (MS) serves 476 students in grades six through eight. Oakland USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Oakland USD middle school TEI is 5.0. Oakland USD's average TEI for 2010–11 for this type of school is 5.0.

Oakland USD states that due to teacher attrition by retirements, Claremont MS is unable to hire teachers that have years of experience equal to those that retired. The district states the school has built a cohort of very dedicated teachers who are committed to continue teaching at Claremont MS for the duration of QEIA and thus the TEI will increase annually.

Oakland USD requests a waiver of the QEIA TEI target for Claremont MS and establishment of an alternative TEI target of 4.6 for school year 2010–11.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	46,600
School ADA	476
Grade Span	6–8
Total Number Of Schools With Similar Grade Span	14
2005–06 TEI	5.0
2010–11 QEIA School TEI	4.6
2010–11 Similar Type School TEI	5.0
2011–12 QEIA School TEI (Projected)	5.0
2011–12 Similar Type School TEI	5.0
Percent Of Similar Type School (2010–11 Data)	92.0
Made API Growth?	Yes
Made AYP?	No

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to reduce its TEI target for Claremont MS for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Claremont MS; (2) For school year 2010–11, the alternate TEI index of 4.6 shall be established at Claremont MS; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Claremont Middle Schoolsite Council on January 10, 2012.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	5	7	0	0	4

Local educational agency: Oakland Unified School District on behalf of Claremont Middle School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: (City) (State) (ZIP) 1025 Second Ave. Oakland, CA 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Claremont Middle school is requesting that the Teacher Experience Index average be temporarily reduced due to attrition.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Claremont SSC 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

QEIA requires that Claremont Middle School attain a Teacher Experience Index target of 5.0 years of teaching experience to be compliant with the QEIA requirements for the 2010/11 – 2013/14 school years. Due to teacher attrition by either retirements or early retirement incentives (golden handshakes), the school is unable to replace those vacancies with teachers that have equal years of experience to that of the retirees' average. The Claremont Middle School is requesting that its TEI be reduced to 4.8 or if that request is denied to have the TEI waived for the 2010/11 school year. The school has built a cohort of very dedicated teachers who are committed to remain teaching at Claremont for the duration of QEIA and will, as a result, increase the TEI annually.

Please refer to the attachment for additional information.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Claremont Middle School has a student population of 476.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 57-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Manzanita Community School **CDS Code:** 01 61259 6002042
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County and has a student population of approximately 46,600 students. Manzanita Community School (CS) serves 292 students in kindergarten and grades one through five. Oakland USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average Oakland USD elementary school TEI is 6.4. Oakland USD's average TEI for 2010–11 for this type of school is 6.4.

Oakland USD states that due to teacher attrition by retirements, Manzanita CS is unable to hire teachers that have years of experience equal to those that retired. The district states the school has built a cohort of very dedicated teachers who are committed to continue teaching at Manzanita CS for the duration of QEIA and thus the TEI will increase annually.

Oakland USD requests a waiver of the QEIA TEI target for Manzanita CS and establishment of an alternative TEI target of 6.1 for school year 2010–11.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	46,600
School ADA	292
Grade Span	K–5
Total Number Of Schools With Similar Grade Span	61
2005–06 TEI	6.4
2010–11 QEIA School TEI	6.1
2011–12 QEIA School TEI (Projected)	6.4
2011–12 Similar Type School TEI	6.4
Percent Of Similar Type School (2010–11 Data)	95.3
Made API Growth?	Yes
Made AYP?	No

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Oakland USD's request to reduce its TEI target for Manzanita CS for school years 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Manzanita CS; (2) For school year 2010–11, the alternate TEI index of 6.1 shall be established at Manzanita CD; and (3) Within 30 days of approval of this waiver, Oakland USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Manzanita Community Schoolsite Council on January 10, 2012.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	0	2	0	4	2

Local educational agency: Oakland Unified School District on behalf of Manzanita Community School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: 1025 Second Ave. (City) Oakland, (State) CA (ZIP) 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

Topic of the waiver: Manzanita Community School is requesting that the Teacher Experience Index average be temporarily reduced due to attrition

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): 01/18/2012

Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

__X_ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: Manzanita SSC 01/10/2012

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

QEIA requires that Manzanita Community School attain a Teacher Experience Index target of 6.4 years of teaching experience to be compliant with the QEIA requirements for the 2010/11 – 2013/14 school years. Due to teacher attrition by either retirements or early retirement incentives (golden handshakes), the school is unable to replace those vacancies with teachers that have equal years of experience to that of the retirees' average. Manzanita Community School is requesting that its TEI be reduced to 6.1 or if that request is denied to have the TEI waived for the 2010/11 school year. The school has built a cohort of very dedicated teachers who are committed to remain teaching at Manzanita Community for the duration of QEIA and will, as a result, increase the TEI annually.

Please refer to the attachment for additional information.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Manzanita Community School has a student population of 292.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.		
Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 164-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
Period Recommended: July 1, 2011, to June 30, 2012
Paul Revere Elementary School **CDS Code:** 38 68478 6041487
San Francisco Unified School District

Local Educational Agency Request:

San Francisco Unified School District (USD) is an urban school district located in San Francisco County and has a student population of approximately 55,571 students. Paul Revere Elementary School (ES) serves 430 students in kindergarten and grades one through eight. San Francisco USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average San Francisco USD elementary school TEI is 7.0. San Francisco USD's average TEI for 2011–12 for this type of school is 7.5.

San Francisco USD states that Paul Revere ES has been in Program Improvement and was selected for the School Improvement Grant under the transformation model. The district states that at least 50 percent of the school staff was replaced and new staff was hired. The district states that in implementing the hiring plan and strategic work done by the school site and area administrative team resulted in falling short of meeting seniority targets for the 2011–12 school year.

San Francisco USD requests a waiver of the QEIA TEI target for Paul Revere ES and establishment of an alternative TEI target of 6.5 for school year 2011–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	55,571
School ADA	430
Grade Span	K–8
Total Number Of Schools With Similar Grade Span	8
2005–06 TEI	7.0
2010–11 QEIA School TEI	7.15
2011–12 QEIA School TEI (Projected)	6.5
2011–12 Similar Type School TEI	7.5
Percent Of Similar Type School (2011–12 Data)	86.6
Made API Growth?	Yes
Made AYP?	No

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Francisco USD's request to reduce its TEI target for Paul Revere ES for school year 2011–12.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Paul Revere ES; (2) For school year 2011–12, the alternate TEI index of 6.5 shall be established at Paul Revere ES; and (3) Within 30 days of approval of this waiver, San Francisco USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Paul Revere Elementary Schoolsite Council on February 13, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(D)(4) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA) – Teacher seniority

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
School Site Council (SSC)
Date the committee/council reviewed the waiver request: February 13, 2012

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

EC 52055.740 (D) Not increase any other class sizes in the school above the size used during the 2005-06 school year. If a funded school has a low-enrollment innovative class, it may increase the number of pupils in that class to a number that does not exceed the schoolwide average.
(2) In high schools, have a pupil-to-counselor ratio of no more than 300 to 1. Each counselor shall hold a services credential with a specialization in pupil personnel services issued by the Commission on Teacher Credentialing.
(3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).
~~(4) Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request an one year exception to the QEIA regulation for teacher seniority for Paul Revere Elementary School for the 2011-12 school year. Revere has been a school in Program Improvement, but was selected for the School Improvement Grant Award under the transformation model. Because of this at least 50% of the school staff was replaced and new staff was hired. Additionally, Revere is identified as one of SFUSD's Superintendent zone schools and has been designated for intensive District support and resources, including additional supervision and professional development. As part of this identification, Superintendent zone schools also follow a strategic hiring plan, focused on attracting and retaining staff with the skill set necessary to work in a high-need school and who accept the additional responsibility of extensive professional development focused on improving achievement outcomes for students.

Implementing the hiring plan and strategic work done by the school site and Area Administrative team, resulted in meeting these requirements of hiring staff equipped and committed to working in a high need school, but fell short of meeting seniority targets for the 2011-12 school year.

The current seniority target is 7.0 years of experience and the seniority average for teaching staff assigned to Revere is 5.50, missing the target by 1.50 years. The breakdown of experience for the 28 certificated staff is:

More than 10 Years Experience	5-10 Years Experience	Less than 5 Years Experience
6 Teachers	10 Teachers	12 Teachers

Of the 12 teachers with less than 5 years of experience only 3 are in their first year of teaching. Given the advancement of current teaching staff who will gain an additional year of experience at the close of the current school year, we anticipate the seniority targets to be met for the 2012-13 school year and Revere will be on track for meeting the seniority target.

Revere has met all other QEIA targets and has met seniority targets in all prior QEIA funded school years.

8. Demographic Information:
Revere has a student population of 430 students and is located in San Francisco, a large urban school district in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 124-2-2012 **Period of Request:** July 1, 2011, to June 30, 2014
Period Recommended: July 1, 2011, to June 29, 2013
Helms Middle School **CDS Code:** 07 61796 6057228
West Contra Costa Unified School District

Local Educational Agency Request:

West Contra Costa Unified School District (USD) is an urban school district located in Contra Costa County and has a student population of approximately 29,978 students. Helms Middle School (MS) serves 950 students in grades seven and eight. West Contra Costa USD provided teacher experience information from 2005–06, the base year upon which Quality Education Investment Act (QEIA) Teacher Experience Index (TEI) targets are calculated, showing that the average West Contra Costa USD middle school TEI is 6.6. West Contra Costa USD's average TEI for 2010–11 for this type of school is 6.4.

West Contra Costa USD states that in school year 2010–11, Helms MS moved into a newly constructed building and added a new administrative team based on a required School Improvement Grant turnaround model. The district states that in the 2011–12 school year, Helms MS went through the process of interviewing and rehiring no more than 50 percent of the teaching staff as prescribed by the turnaround model.

West Contra Costa USD requests a waiver of the QEIA TEI target for Helms MS and establishment of an alternative TEI target of 4.4 for school years 2011–12 through 2013–14.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	21*
LEA Average Daily Attendance (ADA)	29,978
School ADA	950
Grade Span	7–8
Total Number Of Schools With Similar Grade Span	6
2005–06 TEI	6.6
2010–11 QEIA School TEI	6.7
2011–12 QEIA School TEI (Projected)	4.4
2011–12 Similar Type School TEI	6.4
Percent Of Similar Type School (2011–12 Data)	68.8
Made API Growth?	Yes
Made AYP?	No

*Suburb Large: Territory outside a principal city and inside an urbanized area with population less than 250,000 and greater than or equal to 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports West Contra Costa USD's request to reduce its TEI target for Helms MS for school years 2011–12 and 2012–13.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Helms MS; (2) For the period of July 1, 2011 through June 29, 2013, the alternate TEI index of 4.4 shall be established at Helms MS; and (3) Within 30 days of approval of this waiver, West Contra Costa USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the TEI requirement.

Reviewed by Helms Middle Schoolsite Council on January 12, 2012.

Supported by United Teachers of Richmond, January 10, 2012.

Local Board Approval: February 1, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
0	7	6	1	7	9	6

Local educational agency: Helms Middle School West Contra Costa Unified School District	Contact name and Title: **Lyn Potter** Director of Educational Services	Contact person's e-mail: lpotter@wccusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary): 510-307-4500
1108 Bissell Ave.	Richmond	CA	94801	Fax Number: 510-222-4618

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1, 2011 To: June 30, 2014	February 1, 2012	February 1, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) 4 Circle One: (EC) or *CCR*

Topic of the waiver: 1. QEIA Teacher Experience Index

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _N/A__ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): January 10, 2012

Name of bargaining unit and representative(s) consulted: United Teachers of Richmond; Diane Brown, President

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper __X_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

Date the committee/council reviewed the waiver request: Helms School Site Council, January 12, 2012

Were there any objection(s)? No _X__ Yes ___ (*If there were objections* p*lease specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.**740** (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(Strike out as follows.)

~~(4)Using the index established under Section 52055.730, have an average experience of classroom teachers in the school equal to or exceeding the average for the school district for this type of school.~~

7. Desired outcome/rationale.

In the fall of 2010-11, Helms moved into a newly constructed building and added a new administrative team based on a required School Improvement Grant turnaround model. These major changes are coupled with a targeted focus on safety, rigorous instruction and high expectations for student achievement. This year Helms went through the process of interviewing and rehiring no more than 50% of the teaching staff as prescribed by the turnaround model. With the support of QEIA, Helms has had success in impacting student achievement. See chart below.

API Data

Academic Year	Base	Growth	Points
2005-06	575	590	+15
2006-07	595	614	+19
2007-08	614	592	-22
2008-09	595	612	+9
2009-10	611	618	+7
2010-11*	616	654	+38

*2010-11 new administration hired; teachers interviewed

To continue this academic improvement, we are requesting a General Waiver that resets the Teacher Experience Index (TEI) from the current goal of 6.7 to 4.4 for the remainder of the QEIA Grant period.

Continued On The Attached Document

8. Demographic Information:

Helms Middle School is in San Pablo, CA, and has 950 students. The school population is 77% Latino/Hispanic, 11% African American, 7% Asian, and 3% White; 35% of students are currently in English Language Development classes and 92% of Helms students receive free or reduced lunch.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Section 7 Continued - Attachment-QEIA General Waiver, Helms Middle School

Teacher Experience Index

In the 2010-11 school year, Helms initiated amandated restructuring via a Federal School Improvement Grant. The selected intervention model for Helms was the Turnaround Model, which consisted of replacing the principal and rehiring no more than 50% of the staff and implementing other prescribed and recommended strategies. As a component of the grant, many of the newly hired teachers are from Teach for America (TFA). As a result, Helms' TEI average dropped significantly during the 2011-12 school year.

Based on this information, Helms requests a change in TEI. Although TFA candidates are beginning teachers with a limited number of years of experience, they must pass a highly selective recruitment process and attend regular training and support. The change requested is from the current goal of 6.7 to 4.4 for the remaining years of the grant

Conclusion

Major changes in our administration team, facilities, and safety protocols, as well as an increased focus on rigorous instruction have created significant improvements in the school climate and academic achievement. Helms' academic performance continues to improve for all of our students due to productive use of the QEIA funding. The Helms' community is proud of the progress made and looks forward to continued improvements in student achievement with a reduction in TEI to 4.4 for the remainder of the QEIA grant period.

ITEM #W-34

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding Highly Qualified Teachers and/or the *Williams* case settlement requirements under the Quality Education Investment Act. Waiver Number: Lynwood Unified 178-2-2012 Lynwood Unified 180-2-2012 Lynwood Unified 182-2-2012 Sacramento City Unified 11-3-2012 San Bernardino City Unified 113-2-2012 San Bernardino City Unified 114-2-2012 San Bernardino City Unified 115-2-2012	☒ **Action** ☒ **Consent**

RECOMMENDATION

☐ **Approval** ☒ **Approval with conditions** ☐ **Denial**

See Attachments 1, 3, 5, 7, 9, 11, and 13 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to waive the Highly Qualified Teachers (HQT) target and the *Williams* case settlement requirements as defined by the Quality Education Investment Act (QEIA) to the State Board of Education. All HQT and *Williams* case settlement requirement waivers previously presented have been approved by the SBE.

SUMMARY OF KEY ISSUES

Quality Education Investment Act

Per California *Education Code* (*EC*) Section 52055.710(c) and (d), it is the intent of the Legislature that QEIA funding accomplish the following:

> (c) Improve the quality of academic instruction and the level of pupil achievement in schools in which pupils have high levels of poverty and complex educational needs.

SUMMARY OF KEY ISSUES (Cont.)

(d) Develop exemplary school district and school practices that will create the working conditions and classroom learning environments that will attract and retain well qualified teachers, administrators, and other staff.

To assist local educational agencies (LEAs) in properly implementing requirements to meet statutory timelines, schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, QEIA schools were required to demonstrate one-third progress toward full implementation of program requirements. At the end of the 2009–10 school year, QEIA schools were required to demonstrate two-thirds progress toward full program implementation. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Highly Qualified Teachers

California *EC* Section 52055.740(a)(3) requires, in QEIA funded schools, that by the end of the 2010–11 school year and each year after, each teacher, including intern teachers, be highly qualified in accordance with the federal No Child Left Behind Act (NCLB) of 2001.

The federal NCLB statutes require that all elementary, middle and high school teachers assigned to teach core academic subjects be highly qualified. In California, the NCLB Core Academic Subjects are defined as:

- English/language arts/reading [including reading intervention and California High School Exit Exam (CAHSEE) English classes]
- Mathematics (including math intervention and CAHSEE-math classes)
- Biological sciences; chemistry; geosciences; physics
- Social science (history, government, economics, geography)
- Foreign languages (specific)
- Drama/theater; visual arts (including dance); and music

Meeting the federal requirement for HQT is determined based on the number of classes in core academic subjects taught by highly qualified teachers as reported in the California Longitudinal Pupil Achievement Data System (CALPADS).

Williams Case Settlement Requirements

California *EC* Section 52055.740(b)(4) requires QEIA funded schools, by the end of the 2008–09 school year and each year thereafter, to meet all of the requirements of the

SUMMARY OF KEY ISSUES (Cont.)

settlement agreement in *Eliezer Williams, et al., vs. State of California, et al.*

These requirements include:

- Ensuring students have sufficient instructional materials.
- Ensuring school facilities pose no emergency or urgent threat to health and safety.
- Ensuring there are no teacher vacancies or misassignments.

If an LEA requests a waiver of the HQT or *Williams* case settlement requirements, the CDE reviews a range of information regarding the unique circumstances of the school and the district to formulate a recommendation to the SBE.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the HQT targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Lynwood Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 178-2-2012 (1 page)

Attachment 2: Lynwood Unified School District General Waiver Request 178-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 3: Lynwood Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 180-2-2012 (1 page)

Attachment 4: Lynwood Unified School District General Waiver Request 180-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Lynwood Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 182-2-2012 (1 page)

Attachment 6: Lynwood Unified School District General Waiver Request 182-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Sacramento City Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 11-3-2012 (1 page)

Attachment 8: Sacramento City Unified School District General Waiver Request 1-3-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: San Bernardino City Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 113-2-2012 (1 page)

Attachment 10: San Bernardino City Unified School District General Waiver Request 113-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: San Bernardino City Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 114-2-2012 (1 page)

Attachment 12: San Bernardino City Unified School District General Waiver Request 114-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 13: San Bernardino City Unified School District Request for a Quality Education Investment Act Highly Qualified Teachers Waiver 115-2-2012 (1 page)

Attachment 14: San Bernardino City Unified School District General Waiver Request 115-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 178-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Lynwood Middle School **CDS Code:** 19 64774 6115547
Lynwood Unified School District

Local Educational Agency Request:

Lynwood Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 16,359 students. Lynwood Middle School (MS) serves 1,568 students in grades seven through nine. Monitoring performed by the Los Angeles County Office of Education indicates that the *Williams* case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Lynwood MS for the 2010–11 school year. Lynwood USD is concurrently requesting a QEIA Class Size Reduction (CSR) waiver for Lynwood MS.

Lynwood USD states that the vacancies reported last year were inaccurate and that an error in the master schedule from the district student information system is what was used to generate the erroneous listings. The district states it has documentation of the corrections made and states it is in full compliance for school year 2011–12.

Lynwood USD is requesting that the *Williams* case settlement requirements for teachers at Lynwood MS be waived for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lynwood USD's request that *Williams* case settlement requirements for teachers at Lynwood MS be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Lynwood MS for school year 2010–11; (2) Lynwood MS meet the *Williams* case settlement requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Lynwood USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the *Williams* case settlement requirements.

Reviewed by Lynwood Middle Schoolsite Council on February 23, 2012.

Supported by Lynwood Teachers Association, February 7 and 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	1	1	5	5	4	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Lynwood Unified School District	Yesenia Fernández, Acting Director, instructional services	yfernandez@lynwood.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
Lynwood Unified School District, 11321 Bullis Road, Lynwood, CA 90262	(310) 886-1600 Ext. 76637 Fax Number: (310) 763-0959

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1, 2010 To: June 30, 2011	Feb. 14, 2012	Feb. 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: *EC* or *CCR*

Topic of the waiver: QEIA Williams Settlement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires. Not a renewal waiver

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Feb. 7, 13, 2012

Name of bargaining unit and representative(s) consulted: Lynwood Teachers Association , Joseph Powell (vice president), Ida Carbajal (president), Jesus Escandon and Norma Sanchez

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.
How was the required public hearing advertised?

___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Will Rogers Elementary School Site Council

Date the committee/council reviewed the waiver request: Feb. 23, 2012

5. Were there any objection(s)? No X_ Yes ___ (*If there were objections please specify)* Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
~~(3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. SEC. 6301 et seq.).~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

No Child Left Behind- the vacancies reported last year were inaccurate. The error is that the master schedule from our district student information system is what was pulled to determine this, and schools generated those listings inaccurately. We have documentation to reflect that is not the case. In addition, although the notice of findings didn't reach us until November, we made the corrections to the other No Child Left Behind and Williams (funding for facility repairs and county superintendent visits) findings to start off this school year by moving staff or having them complete the requirements i.e. CSET California Subject Examinations for Teachers/ CLAD (Certified LabView Associate Developer Examination) for California Teachers of English Learners.

8. Demographic Information:
Lynwood Unified School District's Lynwood Middle School has a student population of 1,568 and is located in an urban area in Los Angeles County. The student population is predominantly Hispanic or Latino (92%), 28% are English learners and the vast majority are socioeconomically disadvantaged, with 91% receiving free or reduced price lunches.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No x☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? Nox ☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 180-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Will Rogers Elementary School **CDS Code:** 19 64774 6020309
Lynwood Unified School District

Local Educational Agency Request:

Lynwood Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 16,359 students. Will Rogers Elementary School (ES) serves 805 students in kindergarten and grades one through six. Monitoring performed by the Los Angeles County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Will Rogers ES for the 2010–11 school year. Lynwood USD is concurrently requesting a QEIA Class Size Reduction (CSR) and *Williams* case settlement waiver for Will Rogers ES.

Lynwood USD states that the vacancies reported last year were inaccurate and that an error in the master schedule from the district student information system is what was used to generate the erroneous listings. The district states it has documentation of the corrections made and states it is in full compliance for school year 2011–12.

Lynwood USD is requesting that the HQT requirement for teachers at Will Rogers ES be waived for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lynwood USD's request that HQT requirements for teachers at Will Rogers ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Will Rogers ES for school year 2010–11; (2) Will Rogers ES meet the HQT requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Lynwood USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by Will Rogers Elementary Schoolsite Council on February 23, 2012.

Supported by Lynwood Teachers Association, February 7 and 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	1	1	5	5	4	7

Local educational agency: Lynwood Unified School District	Contact name and Title: Yesenia Fernández, Acting Director, instructional services	Contact person's e-mail address: yfernandez@lynwood.k12.ca.us
Address: (City) (State) (ZIP) Lynwood Unified School District, 11321 Bullis Road, Lynwood, CA 90262		Phone (and extension, if necessary): (310) 886-1600 Ext. 76637 Fax Number: (310) 763-0959
Period of request: (month/day/year) From: July 1, 2010 To: JUNE 30, 2011	Local board approval date: (Required) Feb. 14, 2012	Date of public hearing: (Required) Feb. 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: *EC* or *CCR*
Topic of the waiver: QEIA Highly Qualified Teacher

2. If this is a renewal of a previously approved waiver, please list Waiver Number: and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires. Not a renewal waiver

3. 3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Feb. 7, 13, 2012

Name of bargaining unit and representative(s) consulted: Lynwood Teachers Association , Joseph Powell (vice president), Ida Carbajal (president), Jesus Escandon and Norma Sanchez

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X__ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
Will Rogers Elementary School Site Council

Date the committee/council reviewed the waiver request: Feb. 23, 2012

Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:~~3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. SEC. 6301 et seq.).~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

No Child Left Behind- the vacancies reported last year were inaccurate. The error is that the master schedule from our district student information system is what was pulled to determine this, and schools generated those listings inaccurately. We have documentation to reflect that is not the case. In addition, although the notice of findings didn't reach us until November, we made the corrections to the other No Child Left Behind and Williams (funding for facility repairs and county superintendent visits) findings to start off this school year by moving staff or having them complete the requirements i.e. CSET California Subject Examinations for Teachers/ CLAD (Certified LabView Associate Developer Examination) for California Teachers of English Learners

8. Demographic Information:
Lynwood Unified School District's Will Rogers Elementary School has a student population of 805 and is located in an urban area in Los Angeles County. The student population is predominantly Hispanic or Latino (93%), 50% are English learners. The majority are socioeconomically disadvantaged, with 86 percent receive free or reduced price lunches.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No x☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No x ☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 182-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Will Rogers Elementary School **CDS Code:** 19 64774 6020309
Lynwood Unified School District

Local Educational Agency Request:

Lynwood Unified School District (USD) is an urban school district located in Los Angeles County and has a student population of approximately 16,359 students. Will Rogers Elementary School (ES) serves 805 students in kindergarten and grades one through six. Monitoring performed by the Los Angeles County Office of Education indicates that the *Williams* case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Will Rogers ES for the 2010–11 school year. Lynwood USD is concurrently requesting a QEIA Class Size Reduction (CSR) waiver and Highly Qualified Teacher (HQT) waiver for Will Rogers ES.

Lynwood USD states that the vacancies reported last year were inaccurate and that an error in the master schedule from the district student information system is what was used to generate the erroneous listings. The district states it has documentation of the corrections made and states it is in full compliance for school year 2011–12.

Lynwood USD is requesting that the *Williams* case settlement requirements for teachers at Will Rogers ES be waived for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Lynwood USD's request that *Williams* case settlement requirements for teachers at Will Rogers ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Will Rogers ES for school year 2010–11; (2) Will Rogers ES meet the *Williams* case settlement requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Lynwood USD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the *Williams* case settlement requirements.

Reviewed by Will Rogers Elementary Schoolsite Council on February 23, 2012.

Supported by Lynwood Teachers Association, February 7 and 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	1	1	5	5	4	7

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Lynwood Unified School District	Yesenia Fernández, Acting Director, instructional services6	yfernandez@lynwood.k12.ca.us

Address: (City) (State) (ZIP)	Phone (and extension, if necessary):
Lynwood Unified School District, 11321 Bullis Road, Lynwood, CA 90262	(310) 886-1600 Ext. 76637 Fax Number: (310) 763-0959

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1, 2010 To: JUNE 30, 2011	Feb. 14, 2012	Feb. 14, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: *EC* or *CCR*

Topic of the waiver: QEIA Williams Settlement

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires. Not a renewal waiver

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): Feb. 7, 13, 2012

Name of bargaining unit and representative(s) consulted: Lynwood Teachers Association, Joseph Powell (vice president), Ida Carbajal (president), Jesus Escandon and Norma Sanchez

The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper _X__ Notice posted at each school __ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Will Rogers Elementary School Site Council

Date the committee/council reviewed the waiver request: Feb. 23, 2012

Were there any objection(s)? No X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740 (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
~~(3) Ensure that each teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. SEC. 6301 et seq.).~~

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

No Child Left Behind- the vacancies reported last year were inaccurate. The error is that the master schedule from our district student information system is what was pulled to determine this, and schools generated those listings inaccurately. We have documentation to reflect that is not the case. In addition, although the notice of findings didn't reach us until November, we made the corrections to the other No Child Left Behind and Williams (funding for facility repairs and county superintendent visits) findings to start off this school year by moving staff or having them complete the requirements i.e. CSET California Subject Examinations for Teachers/ CLAD (Certified LabView Associate Developer Examination) for California Teachers of English Learners

8. Demographic Information:
Lynwood Unified School District's Will Rogers Elementary School has a student population of 805 and is located in an urban area in Los Angeles County. The student population is predominantly Hispanic or Latino (93%), 50% are English learners. The majority are socioeconomically disadvantaged, with 86 percent receive free or reduced price lunches.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No x☐ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No x☐ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 11-3-2012 **Period of Request:** July 1, 2010, to June 30, 2014
Period Recommended: July 1, 2010, to June 29, 2012
Hiram W. Johnson High School **CDS Code:** 34 67439 3434636
Sacramento City Unified School District

Local Educational Agency Request:

Sacramento City Unified School District (CUSD) is an urban school district located in Sacramento County and has a student population of approximately 47,896 students. Hiram W. Johnson High School (HS) serves 1,600 students in grades nine through twelve. Monitoring performed by the Sacramento County Office of Education indicates that the *Williams* case settlement requirements of the Quality Education Investment Act (QEIA) were not fully met by Hiram W. Johnson HS for the 2010–11 school year. Sacramento CUSD is concurrently requesting a QEIA Class Size Reduction (CSR) waiver for Hiram W. Johnson HS.

Sacramento CUSD states that it could not find teachers with the appropriate credentials to teach one elective course of Yearbook and one of Robotics. The district states that having the most experienced teachers with the appropriate credential has always been an important hiring factor and this practice has positively contributed to the increased academic success of all students. The district states it is compliant with the *Williams* case settlement requirements for school year 2011–12.

Sacramento CUSD is requesting that the *Williams* case settlement requirements for teachers at Hiram W. Johnson HS be waived for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports Sacramento CUSD's request that *Williams* case settlement requirements for teachers at Hiram W. Johnson HS be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Hiram W. Johnson HS for school year 2010–11; (2) Hiram W. Johnson HS meet the *Williams* case settlement requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, Sacramento CUSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the *Williams* case settlement requirements.

Reviewed by Hiram W. Johnson High Schoolsite Council on February 1, 2012.

Supported by Sacramento City Teachers Association, January 31, 2012.

Local Board Approval: February 16, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	4	6	7	4	3	9

Local educational agency: **Sacramento City Unified School District** **Hiram Johnson High School**	Contact name and Title: **Mary Hardin Young, Area Asst. Supt** **Felisberto Cedros, Principal**	Contact e-mail: **mary-hardinyoung@scusd.edu**
Address: (City) (State) (ZIP) **5735 47th Avenue Sacramento California 95824**		Phone (and extension, if necessary): **916-643-9009** FAX Number: **916-643-2535**
Period of request: (month/day/year) From: **July 1, 2010 To: June 30, 2014**	Local board approval date: (Required) **February 16, 2012**	Date of public hearing: (Required) **February 16, 2012**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740 (1.i) and 52055.740 (1.iii)** Circle One: ***EC*** or *CCR*

   Topic of the waiver: **QEIA –Williams Settlement**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ **Not Applicable** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **X** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **January 31, 2012**

   Name of bargaining unit and representative(s) consulted: **Sacramento City Teachers' Association**
   Scott Smith, President

   The position(s) of the bargaining unit(s): __ Neutral **X** Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper X Notice posted at each school X Other: *(Please specify)* SCUSD Website and Main Office

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Hiram Johnson School Site Council
   Date the committee/council reviewed the waiver request: **February 1, 2012**

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:
(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i)or (ii), as follows:
(i) ~~At least five pupils fewer per classroom than was the average in 2006-07~~.
(ii) An average of 25 pupils per classroom.
(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the school site. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article ~~shall not have a class in~~ English language arts, reading, ~~mathematics~~, science, or history and social science in grades 4 to 12, inclusive, ~~with more than 27 pupils regardless of its average classroom size~~.

(4)~~Meet all the requirement of the settlement agreement in Williams v. State of California~~ (Case Number cGC-00-312236 of the Superior Court for the County of San Francisco), including, among other things, ~~the requirements regarding teachers~~, instruction materials, and school facilities, by the end of the first full year of funding, and in each year of funding thereafter.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See attached -

8. Demographic Information:
Hiram Johnson High School has a student population of approximately 1,600 and is located in an urban area in Sacramento County. The demographic makeup of the student population is approximately 33% Asian, 39% Hispanic, 13% African American, 10% White and 5% others. The community socioeconomic makeup is reflected in our student population with 32% English learners receiving EL services, 85% receiving free or reduced lunch, and 14% receiving special education services.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.		
Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

7. Desired Outcome/Rationale

Sacramento Unified School District requests on behalf of Hiram Johnson High School a permanent QEIA target of 22:1 for grades 9 to 12, and a one-time waiver, for the 2010-11 school year, of class maximum of 27 students for two Algebra 2 classes and two teacher misassigments in the Williams Settlement Agreement. The approval of this waiver would allow Hiram Johnson to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2010 to June 30, 2014. Hiram Johnson High School is a Title I school with approximately 85% of its students receiving free or reduced lunch, 32% receiving English Learners services, and 14% receiving special education services.

The fall of 2010-11 saw dramatic changes at Hiram Johnson High School. Because of the school's persistent low academic performance and physical decline, the school was designated a "Superintendent's Priority School". The school was assigned a new administrative team who found the school to be without an appropriate infrastructure and system of operation to support student learning, as well as an absence of teachers holding appropriate credentials. A master schedule was not in established, the curriculum and program were outdated and not aligned to the state or district standards. The current structure had segregated EL and Special Education students and was lacking discipline practices to support students to be successful.

CSR: Lower class sizes have always been important to SCUSD, and the strategy has contributed to the increased achievement and academic performance of all students. With four administrative changes in the past five years and 25% of the students moving in and/or out of the school during the school year, Hiram Johnson's ability to meet the Class Size Reduction (CSR) targets has been extremely challenging. Changes in the state's CSR funding to districts have also impacted the site's ability to maintain smaller class sizes. By creatively exhausting all flexible funding sources, Hiram Johnson has managed to successfully staff CSR targets for the past three years. We have now reached a point at which an increase of our baseline targets is necessary to maintain the momentum that will help move Hiram Johnson High School out of Program Improvement status. Approval of this waiver to establish new class sizes of 22:1 in the 9th through 12th grades would allow students to continue to benefit from small class

sizes and to receive high levels of instruction and maintain the achievement growth that the school experienced during the last year.

In addition, Hiram Johnson High School experienced another difficult staffing issue during the 2010-2011 school year with five teachers leaving their positions mid-year for various reasons. While the administrative team was able to cover the other teacher vacancies, they searched unsuccessfully to fill the two math positions that were left vacant. It became necessary to dissolve their sections in order for the students to receive instruction from the remaining skilled math teachers. Approval of a permanent CSR target of 22:1 for grades 9 to 12, and to waive the class size maximum of 27 in two Algebra II classes, for 2010-11 only, will permit Hiram Johnson High School to maintain and to continue to receive QEIA funding for the 2012-2014.

Williams Settlement Agreement: Due to lack of qualified certificated staff, Hiram Johnson High School could not find teachers with the appropriate credentials to teach one elective course of Yearbook and one of Robotics. Having the most experienced teachers with the appropriate credential has always been an important hiring factor in SCUSD, and the district understands how that practice has positively contributed to the increased academic success of all students. When Hiram Johnson was designated as one of SCUSD's "Superintendent's Priority Schools", the most critical personnel task was to secure HQT teachers to teach all core subjects, which the team accomplished. However, they could not find qualified staff with the appropriate credential to teach the one section of Yearbook and one section of Robotics. This situation was corrected for the 2011-12 school year. Waiving the two sections of the Williams Settlement assignments, from the 2010-11 school year only, will allow Hiram Johnson High School to maintain and continue to receive QEIA funding.

Hiram Johnson has met the spirit of the law and has improved the quality of academic instruction and the level of student achievement significantly in the past year. Once named a "Superintendent's Priority School" the new administration initiated new instructional initiatives and restructured the school policies, operations and procedures. The Highly Qualified Teachers received at least 40 hours of targeted professional development and collaborative planning time to improve their curriculum knowledge and instructional skills, and their understanding of using data to guide instruction. The effort led to an outstanding academic, behavior and attendance improvement. The school API almost doubled its past ten year's API gains in one year with 60 API point gain to 671 in 2011. The gain was one of the highest in the Sacramento County. The increased attendance rate and decreased suspension rate were among the most improved in the District. The table below paints a much clearer picture of the amount of progress Hiram Johnson had made with its QEIA funding in 2010.

2011 Hiram Johnson Growth API Report

	Number of Students Included	**2011 Growth**	**2010 Base**	**2010-11 Growth Target**	**2010-11 Growth**	**Met Growth Target**
School Wide	1130	671	612	9	59	Yes
Black or African American	118	559	484	16	75	Yes
Asian	361	722	695	5	27	Yes
Hispanic or Latino	455	651	577	11	74	Yes
White	102	717	642	8	75	Yes

Socioeconomically Disadv	986	668	615	9	53	Yes
English Learners	599	656	596	10	60	Yes
Students with Disabilities	145	441	396	20	45	Yes

California Department of Education, Analysis, Measurement and Accountability Reporting Division, November 29, 2011.

Approval of this waiver for Hiram Johnson High School will result in the school meeting the intent of the QEIA program while continuing to make strong academic gains. During this time of economic uncertainty, this program is essential in order to continue to maintain small class size, hire the most qualified staff and provide the necessary professional development to ensure that students are taught by the most qualified and skilled staff. Based on the 2010-2011 academic, behavior and attendance data, there is no doubt that QEIA funding made the difference in the gains and improvement at Hiram Johnson. The school needs QEIA funding to sustain the momentum and progress that they have made this past year, and continue to provide the best services to the students.

Waiver Number: 113-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Bradley Elementary School **CDS Code:** 36 67876 6036792
San Bernardino City Unified School District

Local Educational Agency Request:

San Bernardino City Unified School District (CUSD) is an urban school district located in San Bernardino County and has a student population of approximately 50,910 students. Bradley Elementary School (ES) serves 720 students in kindergarten and grades one through six. Monitoring performed by the San Bernardino County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Bradley ES for the 2010–11 school year.

San Bernardino CUSD states that only one teacher at Bradley ES was not HQT during the 2010–11 school year. The district states it believed the teacher was going to pass the California Subject Examinations for Teachers (CSET), but unfortunately that was not the outcome, and moving the teacher to another assignment would have negatively impacted educational continuity for the students. The district states it is compliant with the HQT requirements for school year 2011–12.

San Bernardino CUSD is requesting that the HQT requirement for teachers at Bradley ES be waived for the school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Bernardino CUSD's request that HQT requirements for teachers at Bradley ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Bradley ES for school year 2010–11; (2) Bradley ES meet the HQT requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, San Bernardino CUSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by San Bernardino City Unified School District Advisory Council on January 12, 2012.

Supported by San Bernardino Teachers Association, January 30, 2012.

Local Board Approval: February 21, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	8	7	6

Local educational agency: San Bernardino City Unified School District	Contact name and Title: Eliseo Dávalos, Ph.D., Chief Academic Officer, Educational Services	Contact person's e-mail address: eliseo.davalos@sbcusd.com
Address: (City) (State) (ZIP) 777 North F Street, San Bernardino, California 92410		Phone: (909) 384-1471 Fax Number: (909) 885-6392
Period of request: (month/day/year) From: July 1, 2010 To: June 30, 2011	Local board approval date: (Required) February 21, 2012	Date of public hearing: (Required) February 21, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740. (a) 3 Circle One: (*EC*) or *CCR*

   Topic of the waiver: 100% Highly Qualified Teacher

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 30, 2012

   Name of bargaining unit and representative(s) consulted: San Bernardino Teachers' Association, Rebecca Harper, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): Support with considerations

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils.
   Please identify the council(s) or committee that reviewed this waiver: District Advisory Council

   Date the committee/council reviewed the waiver request: January 12, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740.(a)3
(3) Ensure that ~~each~~ teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This is a retroactive waiver request for the 2010-11 school year only. All of our QEIA funded schools met the 100% highly qualified requirement, except for three. Bradley Elementary (CDS Code: 36-67876-6036792) had only one teacher that was not HQT during the 2010-11 school year. We had every reason to believe that this teacher was going to pass the CSET; unfortunately the teacher did not and by the time we got the last results, moving the teacher would have negatively impacted educational continuity for the students. We are currently at 100% at all of our schools and are able to meet the 100% HQT requirement for the remaining 4 years of the QEIA program.

8. Demographic Information:
San Bernardino City Unified School District has a student population of 50,910 and is located in an urban area in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No _X_ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No _X_ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Interim Superintendent	Date: February 22, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 114-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Mt. Vernon Elementary School **CDS Code:** 36 67876 6037022
San Bernardino City Unified School District

Local Educational Agency Request:

San Bernardino City Unified School District (CUSD) is an urban school district located in San Bernardino County and has a student population of approximately 50,910 students. Mt. Vernon Elementary School (ES) serves 665 students in kindergarten and grades one through five. Monitoring performed by the San Bernardino County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Mt. Vernon ES for the 2010–11 school year.

San Bernardino CUSD states that only one teacher at Mt. Vernon ES was not HQT during the 2010–11 school year. The district states it believed the teacher was going to pass the California Subject Examinations for Teachers (CSET), but unfortunately that was not the outcome, and moving the teacher to another assignment would have negatively impacted educational continuity for the students. The district states it is compliant with the HQT requirements for school year 2011–12.

San Bernardino CUSD is requesting that the HQT requirement for teachers at Mt. Vernon ES be waived for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Bernardino CUSD's request that HQT requirements for teachers at Mt. Vernon ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Mt. Vernon ES for school year 2010–11; (2) Mt. Vernon ES meet the HQT requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, San Bernardino CUSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by San Bernardino City Unified School District Advisory Council on January 12, 2012.

Supported by San Bernardino Teachers Association, January 30, 2012.

Local Board Approval: February 21, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	8	7	6

Local educational agency: San Bernardino City Unified School District	Contact name and Title: Eliseo Dávalos, Ph.D., Chief Academic Officer, Educational Services	Contact person's e-mail address: eliseo.davalos@sbcusd.com
Address: (City) (State) (ZIP) 777 North F Street, San Bernardino, California 92410		Phone: (909) 384-1471 Fax Number: (909) 885-6392
Period of request: (month/day/year) From: July 1, 2010 To: June 30, 2011	Local board approval date: (Required) February 21, 2012	Date of public hearing: (Required) February 21, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740. (a) 3 Circle One: (*EC*) or *CCR*

   Topic of the waiver: 100% Highly Qualified Teacher

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 30, 2012

   Name of bargaining unit and representative(s) consulted: San Bernardino Teachers' Association, Rebecca Harper, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): Support with considerations

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils.
   Please identify the council(s) or committee that reviewed this waiver: District Advisory Council

   Date the committee/council reviewed the waiver request: January 12, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740.(a)3
(3) Ensure that ~~each~~ teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This is a retroactive waiver request for the 2010-11 school year only. All of our QEIA funded schools met the 100% highly qualified requirement, except for three. Mt. Vernon Elementary (CDS Code: 36-67876-6037022) had only one teacher that was not HQT during the 2010-11 school year. We had every reason to believe that this teacher was going to pass the CSET; unfortunately the teacher did not and by the time we got the last results, moving the teacher would have negatively impacted educational continuity for the students. We are currently at 100% at all of our schools and are able to meet the 100% HQT requirement for the remaining 4 years of the QEIA program.

8. Demographic Information:
San Bernardino City Unified School District has a student population of 50,910 and is located in an urban area in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No _X_ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No _X_ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Interim Superintendent	Date: February 22, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 115-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Period Recommended: July 1, 2010, to June 30, 2011
Wilson Elementary School **CDS Code:** 36 67876 6037170
San Bernardino City Unified School District

Local Educational Agency Request:

San Bernardino City Unified School District (CUSD) is an urban school district located in San Bernardino County and has a student population of approximately 50,910 students. Wilson Elementary School (ES) serves 653 students in kindergarten and grades one through six. Monitoring performed by the San Bernardino County Office of Education indicates that the Highly Qualified Teacher (HQT) requirements of the Quality Education Investment Act (QEIA) were not fully met by Wilson ES for the 2010–11 school year.

San Bernardino CUSD states that only one teacher at Wilson ES was not HQT during the 2010–11 school year. The district states it believed the teacher was going to pass the California Subject Examinations for Teachers (CSET), but unfortunately that was not the outcome, and moving the teacher to another assignment would have negatively impacted educational continuity for the students. The district states it is compliant with the HQT requirements for school year 2011–12.

San Bernardino CUSD is requesting that the HQT requirement for teachers at Wilson ES be waived for school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) supports San Bernardino CUSD's request that HQT requirements for teachers at Wilson ES be waived for school year 2010–11.

The CDE recommends approval with the following conditions: (1) Applies only to teachers at Wilson ES for school year 2010–11; (2) Wilson ES meet the HQT requirements in years 2011–12 and all subsequent years the district receives QEIA funds; and (3) Within 30 days of approval of this waiver, San Bernardino CUSD must provide to the CDE a description, including costs covered by QEIA funds, of professional development activities and any other school improvement activities added to the school improvement plan as a result of the additional funding now available, if any, through this waiver of the HQT requirements.

Reviewed by San Bernardino City Unified School District Advisory Council on January 12, 2012.

Supported by San Bernardino Teachers Association, January 30, 2012.

Local Board Approval: February 21, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	8	7	6

Local educational agency: San Bernardino City Unified School District	Contact name and Title: Eliseo Dávalos, Ph.D., Chief Academic Officer, Educational Services	Contact person's e-mail address: eliseo.davalos@sbcusd.com
Address: (City) (State) (ZIP) 777 North F Street, San Bernardino, California 92410		Phone: (909) 384-1471 Fax Number: (909) 885-6392
Period of request: (month/day/year) From: July 1, 2010 To: June 30, 2011	Local board approval date: (Required) February 21, 2012	Date of public hearing: (Required) February 21, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740. (a) 3 Circle One: (*EC*) or *CCR*

   Topic of the waiver: 100% Highly Qualified Teacher

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): January 30, 2012

   Name of bargaining unit and representative(s) consulted: San Bernardino Teachers' Association, Rebecca Harper, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate): Support with considerations

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils.
   Please identify the council(s) or committee that reviewed this waiver: District Advisory Council

   Date the committee/council reviewed the waiver request: January 12, 2012

   Were there any objection(s)? No _X__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740.(a)3
(3) Ensure that ~~each~~ teacher in the school, including intern teachers, shall be highly qualified in accordance with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This is a retroactive waiver request for the 2010-11 school year only. All of our QEIA funded schools met the 100% highly qualified requirement, except for three. Wilson Elementary (CDS Code: 36-67876-6037170) had only one teacher that was not HQT during the 2010-11 school year. We had every reason to believe that this teacher was going to pass the CSET; unfortunately the teacher did not and by the time we got the last results, moving the teacher would have negatively impacted educational continuity for the students. We are currently at 100% at all of our schools and are able to meet the 100% HQT requirement for the remaining 4 years of the QEIA program.

8. Demographic Information:
San Bernardino City Unified School District has a student population of 50,910 and is located in an urban area in San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No _X_ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No _X_ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Interim Superintendent	Date: February 22, 2012
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-35

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a)(5), regarding the Academic Performance Index under the Quality Education Investment Act. Waiver Number: Antioch Unified 156-2-2012 Pajaro Valley Unified 71-2-2012 Pajaro Valley Unified 72-2-2012 San Francisco Unified 158-2-2012 San Francisco Unified 161-2-2012 San Francisco Unified 166-2-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of these waiver requests because their approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

See Attachments 1, 3, 5, 7, 9, and 11 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the Academic Performance Index (API) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). All API waivers previously presented have been denied by the SBE.

SUMMARY OF KEY ISSUES

Academic Performance Index

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.

SUMMARY OF KEY ISSUES (Cont.)

Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Quality Education Investment Act schools are required to exceed their API growth target for the school, averaged over the first three full years of funding, by the 2010–11 school year. Beginning in 2011–12, regular QEIA schools must meet their annual API growth targets, and alternative application schools must exceed their annual API growth targets.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the API targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Antioch Unified School District Request 156-2-2012 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 2: Antioch Unified School District General Waiver Request 156-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

ATTACHMENT(S) (Cont.)

Attachment 3: Pajaro Valley Unified School District Request 71-2-2012 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 4: Pajaro Valley Unified School District General Waiver Request 71-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Pajaro Valley Unified School District Request 72-2-2012 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 6: Pajaro Valley Unified School District General Waiver Request 72-2-2012 (2 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: San Francisco Unified School District Request 158-2-2012 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 8: San Francisco Unified School District General Waiver Request 158-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: San Francisco Unified School District Request 161-2-2012 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 10: San Francisco Unified School District General Waiver Request 161-2-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: San Francisco Unified School District Request 166-2-2012 for a Quality Education Investment Act Academic Performance Index Waiver (2 pages)

Attachment 12: San Francisco Unified School District General Waiver Request 166-2-2012 (5 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 156-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011
Antioch Unified School District
Antioch Middle School **CDS Code:** 07 61648 6057178

Local Educational Agency Request:

Antioch Unified School District (USD) is an urban school district located in Contra Costa County and has a student population of approximately 19,081 students. Antioch Middle School (MS) serves 746 students in grades six through eight. Academic Performance Index (API) data for Antioch MS shows that the school did not exceed the three-year average growth target required by the Quality Education Investment Act (QEIA). Antioch MS's three-year average growth target is 5.7, but its three-year growth average is only 3.3.

Antioch MS states in 2011–12 it hired a new site principal and restructured district administrative and programmatic support for Antioch MS. Since then, staff have carefully reviewed student assessment data and crated a targeted approach to increase academic achievement. The district states that Antioch MS is engaging the community by partnering with student intervention groups to support students in attempts to shift the culture of low academic and behavioral expectations.

Antioch USD requests a waiver of the QEIA API three-year average growth requirement for Antioch MS for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	22*
LEA Average Daily Attendance (ADA)	19,081
School ADA	746
Grade Span	6–8
2008 API Base	684
2008–09 Target/Growth	6/3
2008–09 API	687
2009–10 Target/Growth	6/18
2009–10 API	702
2010–11 Target/Growth	5/-11
2010–11 API	692
3 Year API Target Average	5.7
3 Year API Growth Average	3.3
Met API Growth QEIA Target?	No
Made AYP?	No

*Suburb Midsize: Territory outside a principal city and inside an urbanized area with population less than 250,000 and greater than or equal to 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Antioch MS has not demonstrated the required growth; (2) the LEA states that Antioch MS was experiencing API growth in the years prior to 2010–11, but in fact, Antioch MS has missed its growth target in two of the last three years, culminating in an 11-point negative growth in 2010–11; and (3) the LEA decided this year to restructure "district administrative and programmatic support for Antioch MS," and further states that planned changes "will propel the site to double-digit growth for this current year," but the changes are only vaguely described and no evidence is cited to support the selection of specified strategies.

Reviewed by Antioch Middle Schoolsite Council on February 15, 2012.

Supported by Antioch Education Association, February 8, 2012.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
0	7	6	1	6	4	8

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Antioch Unified School District	Robin Schmitt, Executive Director	robinschmitt@antioch.k12.ca.us

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
510 G Street	Antioch	CA	94509	(925) 776-2050 Fax Number: (925) 753-0698

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/ 2010 To: 6/30/ 2011	February 22, 2012	February 22, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: (*EC*) or *CCR*

   Topic of the waiver: Quality Education Investment Act (QEIA) Academic Performance Index (API) requirement for Antioch Middle School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 2/8/2012

   Name of bargaining unit and representative(s) consulted: Antioch Education Association, Robert Strickler, President

   The position(s) of the bargaining unit(s): __ Neutral _x_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?
   ___ Notice in a newspaper _x_ Notice posted at each school _x_ Other: *(Please specify)*
   Formal notice at each school site and at three public places (public library, District website, and District office lobby)

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council

   Date the committee/council reviewed the waiver request: 2/15/2012

   Were there any objection(s)? No _x_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

Education Code 52055.740 (a), For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(5) ~~Exceed the API growth target for the school averaged over the first three full years of funding.~~ Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section 52055.650. The schoolsite administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Antioch Unified School District requests a waiver of the QEIA API three-year average growth requirement for Antioch Middle School for the 2010-11 school year. Please see attached page for rationale.

8. Demographic Information:
Antioch Middle School has a student population of 746 and is located in an urban area in Contra Costa County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Donald Gill, Ed.D., Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

General Waiver Request

LEA: Antioch Unified School District
Topic of the waiver: Quality Education Investment Act for Antioch Middle School

7. Desired outcome rationale:

Four years of API data demonstrates Antioch Middle School's (AMS) commitment to improving student education. AMS secured double digit gains in 2007-08 (30 points) and 2009-10 (18 points) and a modest gain in 2008-09 (3 points). Our average API achievement over that four year span is 10 growth points per year. AMS also improved its similar schools ranking from 2 to 6 in the same timeframe. A deeper focus on teaching and learning, connecting with the AMS parent community, and continued funding through the QEIA grant will propel the site to double digit growth for this current year.

In 2011-12 the District has hired a new site principal and restructured district administrative and programmatic support for Antioch Middle School. Staff have carefully reviewed student assessment data and created a targeted approach to increase academic achievement.

Antioch Middle School is engaging the community by partnering with student intervention groups to support AMS students in attempts to shift the culture of low academic and behavioral expectations. These programs work directly with our underprivileged African-American and Latino youth to promote positive self-esteem, decision-making, gang awareness/prevention, and academic support. The One Day At a Time program works with 5% of our students, predominantly Latinos. The Spirit of Hope program works with 3% of our students, predominantly African-American students. Approximately one-third of our student population is directly receiving support services beyond the school day that will ultimately provide them with greater educational opportunities and successes.

Other noteworthy improvements for the 2011-12 school year include:

- AMS implemented an AVID program. Currently 45 students (9%) of our 7th and 8th grade students are being exposed to a curriculum that focuses on post-secondary education.
- Two full-time English Language Development positions were created.
- All teachers are using the on-line electronic grade book for the first time, allowing for greater communication with our students and parents about student progress.
- PIQE (Parent Institute for Quality Education) graduated 30 families (4% of our school) providing parents with tools to navigate the educational system at middle school, high school, and college levels.
- Professional Development focusing on Lesson Design, Rigor/Relevance, and Technology.

Waiver Number: 71-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014
Pajaro Valley Unified School District
Mintie White Elementary School **CDS Code:** 44 69799 6049746

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is an urban school district located in Santa Cruz County and has a student population of approximately 19,458 students. Mintie White Elementary School (ES) serves 601 students in kindergarten and grades one through five. Academic Performance Index (API) data for Mintie White ES shows that the school did not exceed the three-year average growth target required by the Quality Education Investment Act (QEIA). Mintie White ES's three-year growth average target is 5.3, but its three-year growth average is only 1.3. Pajaro Valley USD is concurrently requesting a class size reduction waiver for Mintie White ES.

Pajaro Valley USD states that it was considering restructuring by combining Mintie White ES with E.A. Hall Middle School during the 2010–11 school year to form one school with a kindergarten through grade eight (K–8) configuration. The district states the exploration of this reform was disruptive for both sites and had an overall negative impact on student achievement that resulted in these two schools not meeting their API three-year average growth requirement.

Pajaro Valley USD requests a waiver of the QEIA API three-year average growth requirement for Mintie White ES for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	13*
LEA Average Daily Attendance (ADA)	19,458
School ADA	601
Grade Span	K–5
2008 API Base	677
2008–09 Target/Growth	6/25
2008–09 API	702
2009–10 Target/Growth	5/2
2009–10 API	703
2010–11 Target/Growth	5/-23
2010–11 API	680
3 Year API Target Average	5.3
3 Year API Growth Average	1.3
Met API QEIA Growth Target?	No
Made AYP?	No

*City Small: Territory inside an urbanized area and inside a principal city with population less than 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Mintie White ES has not demonstrated the required growth; (2) restructuring school sites and reconfiguring grade spans should not be undertaken without a plan to mitigate the impact on student learning and the school's API; (3) the LEA does not demonstrate specific steps it took to ensure continuity of instruction as it explored restructuring options; and (4) Mintie White ES has not met its API growth target in two of the last three years, culminating in a 23-point negative growth in 2010–11.

Reviewed by Mintie White Elementary Schoolsite Council on January 25, 2012.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Pajaro Valley Unified School District for **Mintie White Elementary School**	Ylda Nogueda, Assistant Superintendent	ylda_nogueda@pvusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
294 Green Valley Rd.	Watsonville	CA	95076	(831) 786-2133 Fax Number: (831) 761-0334

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 07/01/2010 To: 06/30/2014	2/8/12	2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA – Academic Performance Index (API) (3 Year Average)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Mintie White School Site Council
   Date the committee/council reviewed the waiver request:
   1/25/12
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of Mintie White Elementary, to waive 52055.740 (5)

52055.740(5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth. If the school fails to meet the annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements, pursuant to the HPSGP under Section 52055.650. The School site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pajaro Valley Unified School District is requesting a waiver for not meeting the Academic Performance Index (API) 3 year average. Mintie White Elementary showed growth in their API scores for two consecutive years in 2009 and 2010. In 2009 Mintie White Elementary grew by 25 points. It was in 2011 that Mintie White Elementary showed no gains in their API. Mintie White Elementary is a K-5 school with a student population of 601 with 88% of its students are on Free and Reduced Lunch Program and 70% English Learners

Mintie White Elementary serves students in grades K-5. This elementary school is close to a 6, 7, and 8 middle school, which is E.A. Hall Middle School. Given the close proximity of these two schools, and motivated by budget reductions, the district restructured the administration of both school with the consideration of combining the sites into a K-8 configuration. One principal was designated for both sites. Although the district administration worked with both schools throughout the year, it became clear that a K-8 school model was not supported by the school and community. The exploration of this reform was disruptive for both sites and had an overall negative impact on student achievement. At the end of the 2010-2011 school year it was determined that the schools would remain with their original configuration; Mintie White as a K-5 elementary and E.A. Hall as a 6-8 Middle School. The district feels that the changes incurred had a significant negative impact on these two schools not meeting their API 3 year average. The district also feels that with the current programmatic changes and new leadership that both schools with meet their API target growth for 2011-2012. It is on that basis the waiver is requested. We believe with the continued support of QEIA funding the quality of academic instruction and the level of pupil achievement will improve.

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 72-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014
Pajaro Valley Unified School District
E.A. Hall Middle School **CDS Code:** 44 69799 049704

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is an urban school district located in Santa Cruz County and has a student population of approximately 19,458 students. E.A. Hall Middle School (MS) serves 560 students in grades six through eight. Academic Performance Index (API) data for E.A. Hall MS shows that the school did not exceed the three-year average growth target required by the Quality Education Investment Act (QEIA). E.A. Hall MS's three-year growth average target is 7.7, but its three-year growth average is only 0.7. Pajaro Valley USD is concurrently requesting a class size reduction waiver for E.A. Hall MS.

Pajaro Valley USD states that it was considering restructuring by combining E.A. Hall MS with Mintie White Elementary School during the 2010–11 school year to form one school with a kindergarten through grade eight (K–8) configuration. The district states the exploration of this reform was disruptive for both sites and had an overall negative impact on student achievement that resulted in these two schools not meeting their API three-year average growth requirement.

Pajaro Valley USD requests a waiver of the QEIA API three-year average growth requirement for E.A. Hall MS for the 2010–11 school year.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	13*
LEA Average Daily Attendance (ADA)	19,458
School ADA	560
Grade Span	6-8
2008 API Base	644
2008–09 Target/Growth	8/-30
2008–09 API	614
2009–10 Target/Growth	9/64
2009–10 API	675
2010–11 Target/Growth	6/-32
2010–11 API	643
3 Year API Target Average	7.7
3 Year API Growth Average	0.7
Met API QEIA Growth Target?	No
Made AYP?	No

*City Small: Territory inside an urbanized area and inside a principal city with population less than 100,000.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and E.A. Hall MS has not demonstrated the required growth; (2) restructuring school sites and reconfiguring grade spans should not be undertaken without a plan to mitigate the impact on student learning and the school's API; (3) the LEA does not demonstrate specific steps it took to ensure continuity of instruction as it explored restructuring options; and (4) E.A. Hall MS has not met its API growth target in two of the last three years; in those years it experienced a 30-point negative growth and a 32-point negative growth.

Reviewed by E.A. Hall Middle Schoolsite Council on January 26, 2012.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: X
Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Pajaro Valley Unified School District for **E.A. Hall Middle School**	Ylda Nogueda, Assistant Superintendent	ylda_nogueda@pvusd.net

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
294 Green Valley Rd.	Watsonville	CA	95076	(831) 786-2133 Fax Number: (831) 761-0334

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 07/01/2010 To: 06/30/2014	2/8/12	2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA - Academic Performance Index (API) (3 Year Average)

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   E.A. Hall Middle School Site Council
   Date the committee/council reviewed the waiver request:
   1/26/12
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of E.A. Hall Middle School, to waive 52055.740 (5)

52055.740(5) Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section 52055.650. The school site administrator shall not automatically be reassigned based solely on that failure

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Pajaro Valley Unified School District is requesting a waiver for E.A. Hall Middle School for not meeting the Academic Performance Index (API) 3 year average. But E. A. Hall Middle School showed a big gain of 64 points in their 2009-2010 API. E.A. Hall Middle School has a student population of 560 with 84% of its student are on Free and Reduced Lunch Program and 85% are English Learners.

E. A. Hall Middle School serves grades 6, 7, and 8. This middle school is also close to a K-5 elementary school. Given the close proximity to these two schools, and motivated by budget reductions, the district restructured the administration of both schools with the consideration o combining the sites into a K-8 configuration. One principal was designated for both sites. Although the district administration worked with both schools throughout the year, it became clear that a K-8 school model was not supported by the school and community. The exploration of this reform was disruptive for both sites and had an overall negative impact on student achievement. At the end of the 2010-11 school year it was determined that the schools would remain with their original configuration; E. A. Hall as a 6-8 Middle School, the elementary (Mintie White) as a K-5 Elementary school. The district feels that the changes incurred had a significant negative impact on the two schools not meeting their API 3 year average. The district also feels that with the current programmatic changes and new leadership that both schools will meet their API target growth for 2011-2012 school year. It is on that basis that the waiver is requested. We believe that with the continued support of QEIA funding the quality of academic instruction and the level of pupil achievement will improve.

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 158-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
San Francisco Unified School District
Charles Drew Elementary School **CDS Code:** 38 68478 6104673

Local Educational Agency Request:

San Francisco Unified School District (USD) is a large urban school district located in San Francisco County and has a student population of approximately 55,571 students. Charles Drew Elementary School (ES) serves 276 students in kindergarten and grades one through four. Academic Performance Index (API) data for Charles Drew ES shows that the school did not exceed the three-year average growth target required by the Quality Education Investment Act (QEIA). Charles Drew ES's three-year growth average target is 7.0, but its three-year growth average is negative 5.0.

San Francisco USD states that Charles Drew ES was a kindergarten and grades one through three (K–3) school at the start of QEIA funding in school year 2006–07 and is currently expanding to a kindergarten and grades one through five (K–5) school. The district states that grade four was added to the school at the beginning of the 2011–12 school year. The district states that Charles Drew ES serves an economically challenged neighborhood with approximately 85 percent of the student population qualifying for free and reduced lunch. San Francisco USD further states that Charles Drew ES has been identified as a Superintendent zone school and has been designated for intensive district support and resources including additional supervision and professional development.

San Francisco USD requests a waiver of the QEIA API three-year average growth requirement for Charles Drew ES for the 2010–11 school year and instead requests the API growth average measurement be modified to a four year average over school years 2009–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	55,571
School ADA	276
Grade Span	K–4
2008 API Base	624
2008–09 Target/Growth	9/43
2008–09 API	667
2009–10 Target/Growth	7/43
2009–10 API	710
2010–11 Target/Growth	5/-101
2010–11 API	609
3 Year API Target Average	7.0
3 Year API Growth Average	-5.0
Met API QEIA Growth Target?	No
Made AYP?	No

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Charles Drew ES has not demonstrated the required growth; (2) although the LEA is engaged in restructuring efforts taking effect this year, there is no evidence that the changes will yield API results that are better in future years; and (3) although Charles Drew ES made strong API gains in two of the last three years, those gains were lost in 2010–11 with the school's 101-point negative growth.

Reviewed by Charles Drew Elementary Schoolsite Council on February 23, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a)(5) Circle One: ***EC*** or *CCR*

Topic of the waiver: Quality Education Improvement Act (QEIA) - Exception in application of API data for one year

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): February 13, 2012

Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

The position(s) of the bargaining unit(s): __ Neutral X_ Support __ Oppose (*Please specify why*)

Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and posted notices

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
School Site Council (SSC)
Date the committee/council reviewed the waiver request: 2/23/2012

Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. a. (5) ~~Exceed the API growth target for the school averaged over the first three full years of funding.~~ Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section **52055**.650. The school site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request an exception to the QEIA regulation for exceeding the API growth target averaged over the first full three years of funding for Charles Drew Elementary School and to be allowed to measure growth average over a four year span, 2009-2012. Charles Drew was a K-3 school at the start of QEIA funding in 2006-07, and is currently expanding to become a K-5 school. Grade 4 was added starting at the beginning of this school year, 2011-12. It serves an economically challenged neighborhood with approximately 85% of the student population qualifying for free and reduced lunch.

Drew has been identified as a Superintendent zone school and has been designated for intensive District support and resources, including additional supervision and professional development. In addition, Superintendent zone schools also follow a hiring plan, focused on attracting and retaining staff with the skill set necessary to work in a high-need school and who accept the additional responsibility of extensive professional development focused on improving achievement outcomes for students.

We ask that a final decision on the continuation of QEIA funding for Drew be made after the API results for 2012 are known. We firmly believe for the reasons outlined on the attached page, that the 2012 API data will show the required and expected levels of growth that the school has shown consistently in the past. See attachment.

8. Demographic Information:
Charles Drew Elementary has a student population of 276 students and is located in San Francisco, a large urban district located in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ATTACHMENT FOR GENERAL REQUEST WAIVER: QEIA waiver for Charles Drew Elementary School, SFUSD

7. Continued: Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

The reasons for our request are as follows:

A. The school has shown overall growth students scoring at or above Proficient as measured by AYP in ELA and Mathematics

	% Proficient or Advanced in ELA	% Proficient or Advanced in Math
2007-08	36.0	28.3
2008-09	35.4	27.3
2009-10	38.4	29.1
2010-2011	38.6	34.8

B. Although the school is now adding grade levels, the school is very small with a total enrollment of 268 students in the 2010-11 school year, growing to 276 for the current school year. As a K-3 school for the 2008-09, 2009-10 and 2010-11 school year, there are only two tested grades. The total tested student population was 65 students in grade 2 and 63 students in grade 3. Consequently, variations in test scores in one or two classes have significant impact on the total school scores since there were only 6 classes in the tested grade levels for API.

C. 2011 was the only year that showed a drop in API. Drew achieved a 43 point growth in both the 2009 and 2010 school years.

D. Of the three teachers at the second grade level in the 2010-11 school year, two were new to the school and the positions were vacated at the end of the year. Due to the Superintendent zone focus on staff selection these positions have now been filled with experienced teachers who are committed to additional professional development and the instructional focus of the school.

ELA CST Data	Grade 2		Grade 3		Grade 4		Grade 5	
At or Above Proficient	%	#	%	#	%	#	%	#
2007	16	10	28	16	0	0	0	0
2008	18	9	8	4	0	0	0	0
2009	32	19	15	5	0	0	0	0
2010	49	31	24	12	0	0	0	0
2011	25	16	22	14	0	0	0	0

2011 ELA CST Data by Teacher	# Far Below Basic	# Below Basic	# Basic	#Proficient	# Advanced
2nd Grade Teacher A	9	5	4	4	0
2nd Grade Teacher B	4	7	5	3	0
2nd Grade Teacher C	2	4	5	5	4

Waiver Number: 161-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
San Francisco Unified School District
International Studies Academy **CDS Code:** 38 68478 3830533

Local Educational Agency Request:

San Francisco Unified School District (USD) is a large urban school district located in San Francisco County and has a student population of approximately 55,571 students. International Studies Academy (SA) serves 417 students in grades six through twelve. Academic Performance Index (API) data for International SA shows that the school did not exceed the three-year average growth target required by the Quality Education Investment Act (QEIA). International SA's three-year growth average target is 9.7, but its three-year growth average is 9.0.

San Francisco USD states that International SA was a grades nine through twelve school at the start of QEIA funding in school year 2006–07 and expanded to its current configuration in school year 2008–09. The district states that International SA serves an economically challenged neighborhood with approximately 69.3 percent of the student population qualifying for free and reduced lunch. The district states that International SA works with vertical alignment and Professional Learning Communities focused on improving services for English Learners and students with disabilities.

San Francisco USD requests a waiver of the QEIA API three-year average growth requirement for International SA for the 2010–11 school year and instead requests the API growth average measurement be modified to a four year average over school years 2009–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	55,571
School ADA	417
Grade Span	6–12
2008 API Base	601
2008–09 Target/Growth	10/-11
2008–09 API	590
2009–10 Target/Growth	10/29
2009–10 API	622
2010–11 Target/Growth	9/9
2010–11 API	629
3 Year API Target Average	9.7
3 Year API Growth Average	9.0
Met API QEIA Growth Target?	No
Made AYP?	No

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and International SA has not demonstrated the required growth; (2) the LEA neither describes extenuating circumstances that may have contributed to not meeting its QEIA API target, nor does it describe specific steps it is currently taking to ensure API growth; and (3) International SA's API growth has been uneven in the past three years, including an 11-point negative growth in one of the years that could not be offset with growth gains in the other years to meet its QEIA target.

Reviewed by International Studies Academy Schoolsite Council on February 8, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a)(5) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Quality Education Improvement Act (QEIA)- Exception in application of API data for one year

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   International Studies Academy School Site Council

   Date the committee/council reviewed the waiver request: February 8, 2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. a. (5) ~~Exceed the API growth target for the school averaged over the first three full years of funding.~~ Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section **52055**.650. The school site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

We request a one-time exception to the QEIA regulation for annual API achievement for International Studies Academy (ISA) School and to include a four year span when calculating growth average. ISA is a small urban learning community serving students in grades 6-12. Approximately 36% of the student population is African American; 34% is Latino. ISA serves an economically challenged neighborhood with approximately 69.3% of the student population qualifying for free and reduced lunch. ISA was a 9-12th grade school at the start of QEIA funding in 2006-2007, and in 2008-09 expanded to include 6th-8th grade students and became a 6-12th grade school.

During the first year of QEIA funding in class size reduction (2007-08), ISA had an API growth target of 12 and exceeded the target with a growth of 42 points. In the 2008-09, 6th-8th grades were added to the school, but not funded for QEIA class size reduction. During that year ISA did not meet its growth target by 1 point. Once the program was fully funded and implemented class size targets API targets have been met.

API Growth	2009 Target	2009 Growth *	2010 Target	2010 Growth	2011 Target	2011 Growth
ISA	10	-11	10	29	9	9

*2009 is the year 6-8th grades were added, but not funded and class size reduction was not completely implemented.

Further, ISA's work with vertical alignment and Professional Learning Communities focused on improving services for English Learners and Students with Disabilities has met with success. Current benchmark data on the Common Learning Assessments shows positive gains in both English Language Arts and Mathematics. See attached chart.

8. Demographic Information:
International Studies Academy has a student population of 417 students and is located in San Francisco, a large urban school district located in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:
FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 166-2-2012 **Period of Request:** July 1, 2011, to June 30, 2012
San Francisco Unified School District
Sanchez Elementary School **CDS Code:** 38 68478 6041545

Local Educational Agency Request:

San Francisco Unified School District (USD) is a large urban school district located in San Francisco County and has a student population of approximately 55,571 students. Sanchez Elementary School (ES) serves 280 students in kindergarten and grades one through five. Academic Performance Index (API) data for Sanchez ES shows that the school did not exceed the three-year average growth target required by the Quality Education Investment Act (QEIA). Sanchez ES's three-year growth average target is 5.7, but its three-year growth average is 4.3.

San Francisco USD states that Sanchez ES is a school dedicated to learning guided by high expectations, student success, and equal opportunities for its diverse student population. The district states that the school's focus on professional development and English Learners through the Results Oriented Cycle of Inquiry has focused staff on analyzing student work and effective instructional practices to better address the needs of specific student groups.

San Francisco USD requests a waiver of the QEIA API three-year average growth requirement for Sanchez ES for the 2010–11 school year and instead requests the API growth average measurement be modified to a four year average over school years 2009–12.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	11*
LEA Average Daily Attendance (ADA)	55,571
School ADA	280
Grade Span	K–5
2008 API Base	677
2008–09 Target/Growth	6/14
2008–09 API	691
2009–10 Target/Growth	5/-15
2009–10 API	677
2010–11 Target/Growth	6/14
2010–11 API	691
3 Year API Target Average	5.7
3 Year API Growth Average	4.3
Met API QEIA Growth Target?	No
Made AYP?	No

*City Large: Territory inside an urbanized area and inside a principal city with population of 250,000 or more.

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) QEIA funding is expected to result in increased academic achievement over time and Sanchez ES has not demonstrated the required growth; (2) the LEA neither describes extenuating circumstances that may have contributed to not meeting its QEIA API target, nor does it describe specific steps it is currently taking to ensure API growth; and (3) Sanchez ES's API growth has been uneven in the past three years, including a 15-point negative growth in one of the years that could not be offset with growth gains in the other years to meet its QEIA target.

Reviewed by Sanchez Elementary Schoolsite Council on January 26, 2012.

Supported by United Educators of San Francisco, February 13, 2012.

Local Board Approval: February 14, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 11-30-10) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	8	6	8	4	7	8

Local educational agency: San Francisco Unified School District	Contact name and Title: Jill Hoogendyk	Contact person's e-mail address: hoogendykj@sfusd.edu
Address: (City) (State) (ZIP) 750 25th Avenue San Francisco California 94121		Phone (and extension, if necessary): (415) 379-7618 Fax Number: (415) 750-8683
Period of request: (month/day/year) From: 7/1/2011 To: 6/30/2012	Local board approval date: (Required) 2/14/2012	Date of public hearing: (Required) 2/14/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740(a)(5) Circle One: ***EC*** or *CCR*
   Topic of the waiver: Quality Investment Education Act - Exception in application of API data for one year

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): February 13, 2012

   Name of bargaining unit and representative(s) consulted: Dennis Kelly, President, United Educators of San Francisco

   The position(s) of the bargaining unit(s): _X_ Neutral __ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper ___ Notice posted at each school _X_ Other: *(Please specify)* Email, website and office postings

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   School Site Council (SSC)
   Date the committee/council reviewed the waiver request: January 26, 2012

   Were there any objection(s)? No _x_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (11-30-10)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. a. (5) ~~Exceed the API growth target for the school averaged over the first three full years of funding.~~ Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets. If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements pursuant to the HPSGP under Section **52055**.650. The school site administrator shall not automatically be reassigned based solely on that failure.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Sanchez Elementary is a school dedicated to learning guided by high expectations, student success and equal opportunities for their diverse student population where approximately 66% of the student body is comprised of English Learners and 82% of the students qualify for free or reduced lunch. While Sanchez has met QEIA targets for class size, staffing, Williams compliance and professional development, it missed the three year average API target by 1.4 points.

	2009 Target	2009 Growth	2010 Target	2010 Growth	2011 Target	2011 Growth
Sanchez	6	14	5	-15	6	14

Three Year Target Average	5.7
Three Year Growth Average	4.3
Difference	1.4

SFUSD is requesting a one-time exception to the QEIA regulation for annual API achievement for Sanchez Elementary School and that API growth be measured across a 4 year span, 2009-2012. In the last three years, the school has seen positive gains and current benchmark data indicates positive growth trends. The attached data summary shows that our student groups are on track toward meeting proficiency targets in English Language Arts and Mathematics. Further, the school's focus on professional development and critical focus on English Learners through the Results Oriented Cycle of Inquiry (ROCI) has focused staff on analyzing student work and effective instructional practices to better address the needs of specific student groups. This focus on English Learners in particular resulted in 2011 API growth of 37 points for this subgroup alone.

Overall, the Sanchez community is committed to improving achievement outcomes for all students. Continued QEIA funding would support efforts to achieve these academic goals.

8. Demographic Information:
Sanchez Elementary has a student population of 280 students and is located in San Francisco, a large urban district in San Francisco County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:

Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-36

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Grossmont Union High School District** to waive portions of California *Education Code* Section 52055.760(c)(3), regarding alternative program and Academic Performance Index requirements under the Quality Education Investment Act. Waiver Number: Grossmont Union High 55-12-2011	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* (*EC*) Section 33051(a)(1).

See Attachment 1 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the Academic Performance Index (API) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE).

At its March 2012 meeting, the SBE did not take a motion on this waiver. That was the first SBE meeting for which waivers related to revising alternative programs under the QEIA were received by the CDE Waiver Office and presented to the SBE. At the March 2012 meeting, SBE members requested that CDE staff further analyze changes to the student population data for El Cajon Valley High School to determine the impact on the school's API score. Additional data analyses are presented in Attachment 1.

If the SBE fails to take action on this waiver request at the May 2012 meeting, the request is deemed approved for one year pursuant to *EC* Section 33052 and there will be no conditions on the approval.

SUMMARY OF KEY ISSUES

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the

SUMMARY OF KEY ISSUES (Cont.)

2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.

Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Alternative Programs

California *EC* Section 52055.760(a) allows a school district or chartering authority to apply for authority from the Superintendent to use alternative program requirements if the district or authority demonstrates that compliance with alternative program requirements would provide a higher level of academic achievement among pupils than compliance with the interim and program requirements. Alternative program requirements must serve no more than 15 percent of the pupils funded by QEIA and must serve the entire school.

A school district or chartering authority may use alternative program requirements at a funded school if all the following criteria are satisfied:

(1) The proposed alternative requirements are based on reliable data and are consistent with sound scientifically based research consistent with subdivision (j) of Section 44757.5 on effective practices.

(2) The costs of complying with the proposed alternative requirements do not exceed the amount of funding received by the school district or chartering authority pursuant to this article.

(3) Funded schools agree to comply with the alternative program requirements and be subject to the termination procedures specified in subdivision (c) of Section 52055.740. Funded schools with alternative programs shall exceed the API growth target for the school averaged over the first three fully funded years and annually thereafter.

(4) The Superintendent and the president of the state board or his or her designee jointly have reviewed the proposed alternative funded schools of the school district or chartering authority for purposes of this section and have recommended to the state board for its approval those schools, using the same process as for the regular program recommendations.

The Superintendent was to give priority for approval of schools with alternative programs to any school serving any of grades nine through twelve, inclusive, that has demonstrated to the satisfaction of the Superintendent and the president of the state board or his or her designee that the school cannot decrease class sizes as required under this article due to extraordinary issues relating to facilities, or due to the adverse

SUMMARY OF KEY ISSUES (Cont.)

impact of the requirements of this program, if implemented in the school, on the eligibility of the school district for state school facility funding.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* Section 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) the educational needs of the pupils are not adequately addressed; (2) the waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) the appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) pupil or school personnel protections are jeopardized; (5) guarantees of parental involvement are jeopardized; (6) the request would substantially increase state costs; and (7) the exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the alternative program goals based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: English Learner Data Analyses for El Cajon Valley High School (3 pages)

Attachment 2: Grossmont Union High School District Request 55-12-2011 for a Quality Education Investment Act Alternative Program and Academic Performance Index Waiver (3 pages)

Attachment 3: Grossmont Union High School District General Waiver Request 55-12-2011 (6 pages) (Original waiver request is signed and on file in the Waiver Office.)

English Learner Data Analyses for El Cajon Valley High School

At the March 2012 State Board of Education (SBE) meeting, SBE members requested that the Analysis, Measurement, and Accountability Division (AMARD) review data on the English learner (EL) population at El Cajon Valley High School (ECVHS) and analyze the impact of changes in the EL population on the school's accountability data.

The AMARD reviewed changes in the EL population at ECVHS and found that the overall number of EL students has increased and that the racial/ethnic characteristics of the EL students have changed. ECVHS has seen an increase in the total number of EL students over the past five years from 474 students in 2006–07 to 783 students in 2010–11 as shown in Table 1 below. ECVHS has also seen a substantial increase in the proportion of their EL students who are White non-Hispanic compared to other racial/ethnic categories, the other main racial/ethnic category for ECVHS being Hispanic. Below are the number and percent of White non-Hispanic ELs, the number and percent of Hispanic ELs, and the total number of ELs for 2006–07 to 2010–11.

Table 1. Number and Percent of EL Students, 2006–07 to 2010–11

Year	Number of White non-Hispanic ELs	Percent of White non-Hispanic ELs Within the EL Group	Number of Hispanic ELs	Percent of Hispanic ELs Within the EL Group	Total Number of ELs
2006–07	129	26.0%	345	69.4%	474
2007–08	136	25.3%	377	70.2%	513
2008–09	241	38.3%	364	57.8%	605
2009–10	411	50.7%	371	45.8%	782
2010–11	453	56.6%	330	41.3%	783

In addition, the AMARD also conducted two additional analyses on the Academic Performance Index (API) for ECVHS that evaluated the impact of the shift in the EL student population on the school's academic performance.

In the first analysis, the Base and Growth API scores for the last three years were recalculated with scores of White non-Hispanic ELs removed. These data are shown in Table 2. Table 3 shows the three-year comparison of API change values for the current API and the API score with the White non-Hispanic ELs removed.

Education Code Section 52055.740(a)(5) requires that schools participating in Quality Education Investment Act (QEIA) meet or exceed the average three-year growth target for the school overall. Using the school's existing API, ECVHS's average API target is 7.3 points and their average growth is 4 points. This API resulted in the school not meeting QEIA requirements and receiving notification that their QEIA funding would not continue. Based upon the additional analyses requested by the SBE members, an API score was generated that excluded White non-Hispanic EL students. With this

calculation, the school's average target would be 7 points and their average growth would be 14 points (see Table 3 below). Therefore, removing the lowest performing student group and recalculating the school's APIs and growth targets for the last three years resulted in the school meeting the criteria.

However, removing the lowest performing student group for any QEIA school that did not meet the criteria, would most likely result in the school meeting the criteria. The strength of a good accountability system is that it holds districts and schools accountable for all their students, including those students who need additional support and different instructional strategies to succeed.

Table 2. Three Year Comparison,
Current Schoolwide API versus Revised API that Excludes White non-Hispanic ELs

API Type	2008 Base	2009 Growth	2009 Base	2010 Growth	2010 Base	2011 Growth
Current	N*=1335	N=1248	N=1248	N=1342	N=1342	N=1337
	632	654	654	658	658	644
Revised	N=1177	N=1073	N=1073	N=1048	N=1048	N=965
	639	659	658	679	679	680

N = Number of students in the API

Table 3. Three Year Comparison of API Change,
Current Schoolwide API versus Revised API that Excludes White non-Hispanic ELs

API Type	2008–09 Change	2009–10 Change	2010–11 Change	3-Year API Growth Average
Current	22	4	-14	4
Revised	20	21	1	14

In addition to providing the revised schoolwide API for ECVHS, API scores for the EL student group were also analyzed. The Base and Growth API scores for the last three years were recalculated by dividing the EL student group into two categories:
1) White non-Hispanic EL students and 2) all remaining EL students (usually Hispanic). Tables 4 and 5 below show that the API performance of both EL student groups is well below the state target of 800 and that for the 2010–11 school year both EL student groups declined in their API scores by 36 points for the White non-Hispanic and by 25 points for all remaining EL students.

Table 4. Three Year Comparison of API Scores, White non-Hispanic EL Student Group versus All Remaining EL Student Groups

EL Student Group	2008 Base	2009 Growth	2009 Base	2010 Growth	2010 Base	2011 Growth
White non-Hispanic	N=158	N=175	N=175	N=294	N=294	N=372
	583	630	629	587	588	552
All Remaining ELs	N=530	N=483	N=483	N=436	N=436	N=405
	570	612	612	631	631	606

Table 5. Three Year Comparison of API Change, White non-Hispanic EL Student Group versus All Remaining EL Student Groups

EL Student Group	2008-09 Change	2009-10 Change	2010-11 Change
White non-Hispanic	47	-42	-36
All Remaining ELs	42	19	-25

Waiver Number: 55-12-2011 **Period of Request:** July 1, 2012, to June 30, 2014
Period Recommended: Denial

El Cajon Valley High School
CDS Code: 37 68130 3731692
Grossmont Union High School District

Local Educational Agency Request:

Grossmont Union High School District (UHSD) is located in San Diego County with a student population of approximately 24,224 students. El Cajon Valley High School (VHS) serves 2,100 students in grades nine through twelve. Academic Performance Index (API) data for El Cajon VHS indicates that the school did not exceed the three-year average growth requirement of the Quality Education Investment Act (QEIA). El Cajon VHS's three-year growth average target is 7.3, but its three-year growth average is only 4.0. In addition, as an alternative application QEIA school, El Cajon VHS was allowed to set five alternative goals and targets for attaining these goals for school years 2008–09, 2009–10, and 2010–11. El Cajon VHS failed to achieve any of its alternative program goals for school year 2010–11.

Grossmont UHSD states that the academic context of El Cajon VHS has undergone extreme change due to a large influx of refugees escaping the war-torn regions of Iraq and the Middle East. The district states that, based on the significant influx of immigrant and English learner (EL) students and a substantial increase of students under the poverty level, El Cajon VHS has shifted its focus to triage immediate needs for support including significant cultural and community upheaval with an urgency to facilitate social and academic assimilation. The district states that El Cajon VHS has demonstrated great success in meeting these challenges, including the creation of a highly effective system of support for refugee students through an extensive partnership with community resources. The district also states that the school has demonstrated sustained gains on the Biology/Life Sciences, World History, and Grade 11 History-Social Science California Standards Tests (CSTs).

Grossmont UHSD requests a waiver of the QEIA API three-year average growth requirement for El Cajon VHS for school year 2010–11. In addition, the district requests a waiver for not meeting any of its alternative program goals for school year 2010–11.

Additional Local Educational Agency and School Information for Consideration:

School Locale Code	21*
LEA Average Daily Attendance (ADA)	24,224
School ADA	2,100
Grade Span	9–12
2008 API Base	632
2008–09 Target/Growth	8/22
2008–09 API	654
2009–10Target/Growth	7/4
2009–10 API	658
2010–11 Target/Growth	7/-14
2010–11 API	644
3 Year API Target Average	7.3
3 Year API Growth Average	4.0
Made API Growth?	No
Made AYP?	No

*Suburb Large: Territory outside a principal city and inside an urbanized area with population less than 250,000 and greater than or equal to 100,000.
Grossmont UHSD submitted the following goals to support its waiver request:

Goal A

Increase the percentage of grade ten first time testers passing the English-language arts (ELA) section of the California High School Exit Examination (CAHSEE) by 1 percent annually.

Year	Goal	Actual
2007–08	66%	66%
2008–09	67%	61%
2009–10	68%	58%
2010–11	69%	58%
2011–12	70%	
2012–13	71%	
2013–14	72%	

Goal B

Increase the percentage of grade ten first time testers passing the Mathematics section of the CAHSEE by 1 percent annually.

Year	Goal	Actual
2007–08	69%	69%
2008–09	70%	75%
2009–10	71%	70%
2010–11	72%	70%
2011–12	73%	
2012–13	74%	
2013–14	75%	

Goal C

Decrease Below Basic/Far Below Basic (BB/FBB) on the CSTs, grades nine through eleven, ELA by 1.5 percent annually.

Year	Goal	Actual
2007–08	48%	48%
2008–09	46.5%	48%
2009–10	45%	49%
2010–11	43.5%	53%
2011–12	42%	
2012–13	40.5%	
2013–14	39%	

Goal D

Decrease BB/FBB on the CSTs, Algebra I and Geometry by 2 percent annually.

Year	Goal	Actual
2007–08	61%	61%
2008–09	59%	61%
2009–10	57%	59%
2010–11	55%	56%
2011–12	53%	
2012–13	51%	
2013–14	49%	

Goal E

Decrease the percentage of ELs (who have been enrolled in school in the United States 12 months or more) who score BB/FBB on the ELA CST by 2 percent annually.

Year	Goal	Actual
2007–08	68%	68%
2008–09	66%	66%
2009–10	64%	69%
2010–11	62%	76%
2011–12	60.4%	
2012–13	58.4%	
2013–14	56.4%	

California Department of Education Recommendation and Conditions:

The California Department of Education recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

Specifically, (1) Grossmont UHSD set its own alternative program requirements and did not achieve any of its growth targets for school year 2010–11; furthermore, it has not met those targets in many cases in the past four years; (2) Although the school reports a large influx of English Learners as the reason for not being able to meet its API growth target, the most recent five years of data indicate a net gain of 112 EL students from 2007 to 2011; (3) In three of the last five years, the EL subgroups at the school have demonstrated negative growth on the API; (4) El Cajon VHS is unlikely to reach its goals over the life of the QEIA program; and (5) QEIA funding is expected to result in increased academic achievement over time and El Cajon VHS has not demonstrated the required growth.

Reviewed by El Cajon Valley High Schoolsite Council on December 7, 2011.

Supported by Grossmont Education Association, December 2, 2011.

Local Board Approval: December 8, 2011.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __X _

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Grossmont Union High School District	**Cindy Douglas, Director, Instruction**	**cdouglas@guhsd.net**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
PO Box 1043	**La Mesa**	**CA**	**91944**	**619-644-8040** Fax Number: **619-462-5721**

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: July 1, 2012 To: June30, 2014	**December 8, 2011**	**December 8, 2011**

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.740a5** Circle One: *EC* or *CCR*

   Topic of the waiver: **QEIA (Quality Education Investment Act)**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **_N/A__** and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No **_X_** Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): **December 2, 2011**

   Name of bargaining unit and representative(s) consulted: **Grossmont Education Association**, **Fran Zumwalt, President**

   The position(s) of the bargaining unit(s): __ Neutral **_X_** Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper **_X__** Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   El Cajon Valley High School Site Council

   Date the committee/council reviewed the waiver request: December 7, 2011

   Were there any objection(s)? No **_X__** Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).
52055.740 For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(5) ~~Exceed the API growth target for the school averaged over the first three full years of funding. Beginning in the fifth year of participation, funded schools shall meet their annual API growth targets, If the school fails to meet its annual growth target, the school shall continue to receive funding pursuant to this article, but shall be subject to state review, assistance, and timeline requirements Pursuant to the HPSGP under Section 52055.650.~~ The school site administrator shall not automatically be reassigned based solely on that failure.

7. *Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.*

Please accept the following as a request for reconsideration of El Cajon Valley High School's continuing participation in the Quality Education Investment Act (QEIA) grant. Circumstances over the last several years have created unexpected and extraordinary circumstances that have adversely affected the school's ability to achieve its original QEIA goals. Unfortunately, the measures used to evaluate El Cajon's success have not been effective indicators of the significant progress attributable to QEIA funding to date. Losing this resource will significantly undermine the continued gains of a very large and unique group of students. Our appeal for SBE forgiveness and special dispensation is based on the following three factors:

1. **Exceptional Adversity**
Over the past three years, the academic context of El Cajon Valley High School has undergone extreme change due to a large influx of refugees escaping the war-torn regions of Iraq and the Middle East. Within this short period of time, the school has seen a 150% increase in the number of English Learners and has enrolled hundreds of Middle Eastern refugee students (N=710 in SY11-12.) Generally, these students have not been in school for several years, lack first-language fluency, and arrive with severe social and psychological scars. Based on the significant influx of emigrant and EL students, as well as a substantial increase of students under the poverty level, El Cajon has shifted its focus to triage immediate needs for support. These include, for example, significant cultural and community upheaval with an urgency to facilitate social and academic assimilation. Timely action has also been required to address dramatic reduction in high school readiness, as well as the significant decreases in levels of parent education (the strongest correlate to the API.)

2. **Significant Progress**
Despite numerous obstacles, El Cajon Valley has demonstrated great success in meeting these challenges, including the creation of a highly effective system of support for refugee students through an extensive partnership with community resources. Academically, the school has demonstrated sustained gains on the biology, world history, and US history CSTs. There has also been a notable increase in student enrollment in advanced placement courses, a significant increase in advanced placement completion rates, and increased attendance rates (see attached.) The effective infrastructure of support created by QEIA is clearly measurable in areas outside the scope of the original goals.

3. **New Plans for Continued Success**
Based on the success of building infrastructure for students new to the country, the school's focus on the academic measures of achievement has now been intensified. The school's management team has been rebuilt through the appointment of a new principal and two assistant principals who bring extensive expertise in the areas of English Learners and literacy. Plans for 2012-2013 include the addition of 2,220 minutes to the instructional program (pending staff approval). Diagnostic assessment protocols have been initiated and will be fully implemented next year along with comprehensive professional development in the area of literacy for teachers and administrators as well as content-specific training with national experts in instructional pedagogy based on the Common Core Standards.

If terminated from the QEIA program, the loss of funding would result in increased class sizes within all core content areas, a significant reduction of bilingual cross-cultural aides, and loss of the Family Resource Center (4 caseworkers, including a highly skilled Arabic caseworker) which has been highly effective in coordinating the community support in conjunction with our partnering agency, San Diego Youth Services.

Please accept our appeal for SBE forgiveness and special dispensation based on these circumstances and the impact to the students and community of El Cajon Valley.

8. Demographic Information:
(*District/school/program*)_**El Cajon Valley High School**_ has a student population of __**2100**___ and is located in a (*urban, rural, or small city etc.)* **suburban community**__ in __**San Diego**____ County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No **X** Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No **X** Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

El Cajon Valley High School
QEIA Goals

Goal A
Increase the percentage of 10th grade first time testers passing the ELA section of the CAHSEE by 1% annually

Year	Goal	Actual
2007-08	66%	66%
2008-09	67%	61%
2009-10	68%	58%
2010-11	69%	58%

Goal B
Increase the percentage of 10th grade first time testers passing the Math section of the CAHSEE by 1% annually

Year	Goal	Actual
2007-08	69%	69%
2008-09	70%	75%
2009-10	71%	70%
2010-11	72%	70%

Goal C
Decrease BB/FBB on the CSTs, grades 9-11, ELA by 1.5% annually

Year	Goal	Actual
2007-08	48%	48%
2008-09	46.5%	48%
2009-10	45%	49%
2010-11	43.5%	53%

Goal D
Decrease BB/FBB on the CSTs, Algebra I and Geometry by 2% annually

Year	Goal	Actual
2007-08	61%	61%
2008-09	59%	61%
2009-10	57%	59%
2010-11	55%	56%

Goal E
Decrease the percentage of ELLs (who have been enrolled in school in the US 12 months or more) who score BB/FBB on the ELA CST by 2% annually

Year	Goal	Actual
2007-08	68%	68%
2008-09	66%	66%
2009-10	64%	69%
2010-11	62%	76%

El Cajon Valley High School

Measures of Academic Progress Not Included in Original Goals

California Standards Test - Biology

Increasing percentages of students scoring Advanced or Proficient

Year	% Adv + Proficient
2007-08	22%
2008-09	29%
2009-10	31%
2010-11	36%

California Standards Test – World History

Increasing percentages of students scoring Advanced or Proficient

Year	% Adv + Proficient
2007-08	13%
2008-09	23%
2009-10	28%
2010-11	34%

California Standards Test – US History

Increasing percentages of students scoring Advanced or Proficient

Year	% Adv + Proficient
2007-08	21%
2008-09	22%
2009-10	29%
2010-11	31%

Advanced Placement Enrollment

Increasing percentages of students enrolled in one or more Advanced Placement courses

Year	% Adv + Proficient
2007-08	9%
2008-09	13%
2009-10	16%
2010-11	17%

Advanced Placement Completion Rates

Increasing percentages of graduates who completed one or more Advanced Placement courses

Year	% Adv + Proficient
2007-08	33%
2008-09	38%
2009-10	36%
2010-11	45%

Attendance Rates

Increasing attendance rates (cumulative rate of attendance)

Year	End of Year Attendance Rate
2007-08	90.64%
2008-09	91.22%
2009-10	93.50%
2010-11	94.00%

ITEM #W-37

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by **Farmersville Unified School District** to waive California *Education Code* Section 52055.750(a)(9) regarding funds expenditure requirements under the Quality Education Investment Act in order to allow funds from Farmersville Junior High School to follow its grade six class that will be transferring to Freedom Elementary School. Waiver Number: 149-2-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial because its approval would not adequately address the educational needs of pupils as described in California *Education Code* (EC) Section 33051(a)(1).

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The California Department of Education (CDE) Waiver Office has previously presented requests to waive the no funds to follow students provision as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). These waivers allowed the funds to follow the students to another QEIA school and were ultimately approved by the SBE. This is the first waiver received asking for QEIA funds to follow a single grade from a QEIA school to a non-QEIA school.

SUMMARY OF KEY ISSUES

Farmersville Unified School District (USD) states that, due to severe overcrowding at Farmersville Junior High School (JHS), the district is adding an additional classroom wing, in fall 2012, to Freedom Elementary School (ES). The entire grade six class will be transferred from Farmersville JHS to Freedom ES.

Both schools originally received QEIA funding; however Freedom ES did not exceed the three-year Academic Performance Index growth requirement and will exit the program at the end of the 2011–12 school year. Transferring a grade six class to a non-QEIA school presents many logistical issues and the district assures that these funds will be spent only on these students and not be comingled with the grades four and five classes at Freedom ES.

SUMMARY OF KEY ISSUES (Cont.)

The QEIA Program was designed to be a school reform initiative, not an individual student intervention. QEIA program requirements preclude new schools from participating in the program for two reasons. The first is the fact that a large number of schools that originally applied for participation were excluded from the program due to funding limitations. More importantly, the program has specific timelines for participation and must meet targets in several areas, including student academic growth, teacher experience ratio, and class size adjustments. Moving an entire sixth grade class to another school changes the configuration and chemistry of both schools and dilutes the QEIA program intent. Schools that do not meet program requirements stand to lose future QEIA funding.

In this specific situation, Farmersville JHS would continue to receive QEIA funding for students in grades seven and eight. Approval of this waiver would effectively move QEIA funds to a former QEIA school that was terminated from the program because it did not meet its QEIA targets, a termination that was affirmed by the SBE's denial of a waiver for Farmersville ES in January 2012.

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). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

Demographic Information: Farmersville Junior High School has a student population of 611 and is located in a rural area in Tulare County.

Authority for Waiver: *EC* Section 33050

Period of request: July 1, 2012, to June 30, 2015

Local board approval date(s): February 28, 2012

Public hearing held on date(s): February 28, 2012

Bargaining unit(s) consulted on date(s): February 16, 2012

Name of bargaining unit/representative(s) consulted: Farmersville Teachers Association, Melinda Urton, President

Position of bargaining unit(s) (choose only one):
☐ Neutral ☒ Support ☐ Oppose:

Comments (if appropriate):

Public hearing advertised by (choose one or more):
☐ posting in a newspaper ☒ posting at each school ☒ other: District Office, Post Office, City Hall

Advisory committee(s) consulted: Farmersville USD Superintendent's Cabinet and Farmersville Junior High Schoolsite Council

Objections raised (choose one): ☒ None ☐ Objections are as follows:

Date(s) consulted: February 23, 2012

FISCAL ANALYSIS (AS APPROPRIATE)

Denial of this waiver will disallow QEIA funds from being distributed to the grade six class being relocated to Freedom Elementary School. Farmersville Junior High School will continue to receive QEIA funding for students in grades seven and eight. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Farmersville Unified School District General Waiver Request 149-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X_

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
5	4	7	5	3	2	5

Local educational agency:	Contact name and Title:	Contact person's e-mail address:
Farmersville Unified School District	**Grant Schimelpfening, CBO**	**gschimel@farmersville.K12.ca.us**

Address:	(City)	(State)	(ZIP)	Phone (and extension, if necessary):
571 E. Citrus	Farmersville	CA	93223	(559) 592-2010 Ext. 1108 Fax Number: (559) 592-2203

Period of request: (month/day/year)	Local board approval date: (Required)	Date of public hearing: (Required)
From: 7/1/2012 To: 6/30/2015	February 28, 2012	February 28, 2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): **52055.750 (a) (9)** Circle One: *EC* or *CCR*

Topic of the waiver: **OEIA Funds Follow the Child – Special Exception for Site Reconfiguration**

2. If this is a renewal of a previously approved waiver, please list Waiver Number: **Not Applicable** and date of SBE Approval_____ Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No XX Yes If yes, please complete required information below:

Bargaining unit(s) consulted on date(s): February 16, 2012

Name of bargaining unit and representative(s) consulted: **Farmersville Teachers' Association, Melinda Urton, President**

The position(s) of the bargaining unit(s): __ Neutral **XX** Support __ Oppose (*Please specify why*)

Comments (if appropriate): **The Bargaining Unit members listed above, as well as our School Site Council unanimously agreed in separate meetings to support this waiver request.**

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

How was the required public hearing advertised?

___ Notice in a newspaper XX Notice posted at each school XX Other: District Office, Post Office, City Hall

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Bargaining members aforementioned on this waiver, Farmersville USD Superintendent's Cabinet, and Farmersville Junior High School Site Council

Date the committee/council reviewed the waiver request: February 23, 2012

Were there any objection(s)? No XX Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

   52055.750 (a)(9) Ensure that the funds received on behalf of funded schools are expended on that school, except that during the first partial year of funding districts may use funding under this article for facilities necessary to meet the class size reduction requirements of this article, if all funds are spent on funded schools within the district.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

   The Farmersville Unified School District has the following school sites receiving funding for QEIA in 2011-12:

   Snowden Elementary (Grades 2-3)
   Freedom Elementary (Grades 4-5)
   Farmersville Junior High (Grades 6-8)

   Due to severe overcrowding at the Farmersville Junior High School, several years ago the District applied for funding to add an additional classroom wing at the Freedom Elementary (4-5) campus in order to move the 6th grade class from Farmersville Junior High to Freedom Elementary. However, due to cash flow issues at the State level, funding was held up for several years. Finally, at the December State Allocation Board meeting, the funds were released and the District is able to move forward with this project which is expected to be completed after October of 2012; other projects are also in the works and were simultaneously funded, one of which is the Farmersville Junior High School.

   The District also applied for and has received funding for major modernization at the Junior High School campus, which can only be done if the 6th grade class is moved to another campus so the classrooms can be vacated and modernized.

   Unexpectedly, due to not meeting the API targets in 2010-11, Freedom Elementary is exiting the QEIA program and will not receive funding in 2012-13. The overcrowding issue at the Junior High still persists. However, as the QEIA language is currently written, moving the 6th grade class from the Junior High School to Freedom Elementary would result in a loss of QEIA funds for that 6th grade class. Any additional loss in funding would result in additional reductions in teaching staff. The Junior High's API has soared to 701 since participating in QEIA and has met all other program requirements.

   This waiver is requesting that QEIA funds follow the 6th grade class from the Junior High School to Freedom Elementary School with assurances by the District that these funds will be spent on these students only and will not be comingled with 4th or 5th grade classes at Freedom Elementary. In fact, the District is prepared to have a Junior High administrator oversee the 6th grade class while the Junior High is in QEIA and the 6th grade is housed at Freedom Elementary.

   Approval of this waiver would allow the District to ease the overcrowding and update facilities at the Junior High School, while also avoiding additional unnecessary reductions in staff due to additional loss of funds.

8. Demographic Information:
   Farmersville Junior High School has a student population of 611 and is located in a rural area in Tulare County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

ITEM #W-38

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

☒ **General Waiver**

SUBJECT	
Request by three local educational agencies to waive portions of California *Education Code* Section 52055.740(a), regarding class size reduction requirements under the Quality Education Investment Act. Waiver Number: Oakland Unified 59-2-2012 Pajaro Valley Unified 73-2-2012 Pajaro Valley Unified 76-2-2012 Pajaro Valley Unified 77-2-2012 Rialto Unified 135-2-2012 Rialto Unified 142-2-2012	☒ **Action** ☐ **Consent**

RECOMMENDATION

☐ **Approval** ☐ **Approval with conditions** ☒ **Denial**

The California Department of Education (CDE) recommends denial of these waiver requests because their approval would not adequately address the educational needs of pupils per California *Education Code (EC)* Section 33051(a)(1).

See Attachments 1, 3, 5, 7, 9, and 11 for details.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The CDE Waiver Office has previously presented requests to waive the class size reduction (CSR) target as defined by the Quality Education Investment Act (QEIA) to the State Board of Education (SBE). To date, while the SBE has exercised flexibility in approving CSR waivers that are consistent with the intent of QEIA and that remain within the average class size limit of 25 defined in QEIA statute, it has not approved a request to exceed that limit as proposed in this waiver.

SUMMARY OF KEY ISSUES

Class Size Reduction

Schools participating in the QEIA Program were monitored by their county offices of education for compliance with program requirements for the first time at the end of the 2008–09 school year. At that time, local educational agencies (LEAs) were required to demonstrate one-third progress toward full implementation of program requirements.

SUMMARY OF KEY ISSUES (Cont.)

Monitoring for compliance with second-year program requirements was completed to ensure that schools made two-thirds progress toward full implementation in the 2009–10 school year. QEIA schools were required to demonstrate full compliance with all program requirements at the end of the 2010–11 school year.

Quality Education Investment Act schools are required to reduce class sizes by five students compared to class sizes in the base year (either 2005–06 or 2006–07), or to an average of 25 students per classroom, whichever is lower, with no more than 27 students per classroom regardless of the average classroom size. The calculation is done by grade level, as each grade level has a target average class size based on QEIA CSR rules. For small schools with a single classroom at each grade level, some grade level targets may be very low. If, for example, a school had a single grade four classroom of 15 students in 2005–06, the school's target QEIA class size for grade four is ten students. Absent a waiver, an unusually low grade level target may result in a greater number of combination classes at the school, or very small classes at the grade level, which is prohibitively costly and may result in withdrawal or termination from the program.

QEIA schools are required to not increase any other (non-core) class sizes in the school above the size used during the 2005–06 school year.

Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in *EC* 33051(a). The state board shall approve any and all requests for waivers except in those cases where the board specifically finds any of the following: (1) The educational needs of the pupils are not adequately addressed; (2) The waiver affects a program that requires the existence of a schoolsite council and the schoolsite council did not approve the request; (3) The appropriate councils or advisory committees, including bilingual advisory committees, did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees; (4) Pupil or school personnel protections are jeopardized; (5) Guarantees of parental involvement are jeopardized; (6) The request would substantially increase state costs; and (7) The exclusive representative of employees, if any, as provided in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, was not a participant in the development of the waiver.

FISCAL ANALYSIS (AS APPROPRIATE)

There are no statewide costs as a result of waiver approval. If the waiver is denied, the school must implement the CSR targets based on statute requirements to stay in the program. Any school in the program not meeting those targets will risk the loss of future funding. The QEIA statute calls for any undistributed annual QEIA funding to be redistributed to other schools currently in the program (no new schools are funded).

ATTACHMENT(S)

Attachment 1: Oakland Unified School District Request 59-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (1 page)

Attachment 2: Oakland Unified School District General Waiver Request 59-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 3: Pajaro Valley Unified School District Request 73-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 4: Pajaro Valley Unified School District General Waiver Request 73-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 5: Pajaro Valley Unified School District Request 76-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 6: Pajaro Valley Unified School District General Waiver Request 76-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 7: Pajaro Valley Unified School District Request 77-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 8: Pajaro Valley Unified School District General Waiver Request 77-2-2012 (3 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 9: Rialto Unified School District Request 135-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 10: Rialto Unified School District General Waiver Request 135-2-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Attachment 11: Rialto Unified School District Request 142-2-2012 for a Quality Education Investment Act Class Size Reduction Waiver (2 pages)

Attachment 12: Rialto Unified School District General Waiver Request 142-2-2012 (4 pages) (Original waiver request is signed and on file in the Waiver Office.)

Waiver Number: 59-2-2012 **Period of Request:** July 1, 2010, to June 30, 2011

Period Recommended: Denial

Madison Middle School **CDS Code:** 01 61259 6066450
Oakland Unified School District

Local Educational Agency Request:

Oakland Unified School District (USD) is an urban school district located in Alameda County with a student population of approximately 46,600 students. Madison Middle School (MS) has a student population of approximately 330 students serving grades six through eight. Monitoring performed by the Alameda County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 19.79, 19.83, and 18.67, respectively.

Oakland USD states that, as a means of meeting both the CSR and the educational needs of the students in multiple QEIA schools, site and district administrators proposed the use of highly qualified credentialed teachers in a "push-in" model for core instruction for those classes that had student to teacher ratio higher than the QEIA CSR targets. The district states that it was notified that schools using this model were not in compliance with QEIA CSR requirements for school year 2010–11.

Oakland USD requests a waiver of the QEIA CSR target for grades six through eight at Madison MS for school year 2010–11 and the establishment of an alternative CSR target of 25.0 students on average in core classes in grades six through eight.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

The CDE has carefully considered Oakland USD's request to increase its CSR target to 25.0 for grades six through eight at Madison MS for school year 2010–11, consistent with previous recommendations and SBE action. However, class size information provided by Oakland USD indicates that the core class size average for grade seven was 25.5, an average above the class size average defined in QEIA statute. (See the Summary of Key Issues, page 2.)

Reviewed by Madison Middle Schoolsite Council on January 10, 2012.

Supported by Oakland Education Association, January 18, 2012.

Local Board Approval: January 25, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: _X__

Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
6	0	6	6	4	5	0

Local educational agency: Oakland Unified School District on behalf of Madison Middle School	Contact name and Title: David Montes – Executive Director	Contact person's e-mail address: david.montes@ousd.k12.ca.us
Address: (City) (State) (ZIP) 1025 Second Ave. Oakland, CA 94606-2212		Phone (and extension, if necessary): 510-336-7500 Fax Number: 510-482-6674
Period of request: (month/day/year) From: 07/01/10 To: 06/30/11	Local board approval date: (Required) 01/25/2012	Date of public hearing: (Required) 01/25/2012

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 (a) Circle One: ***EC*** or *CCR*

   Topic of the waiver: Class size Reduction Targets temporarily increased.

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 01/18/2012

   Name of bargaining unit and representative(s) consulted: : Betty Olson-Jones, President – Oakland Education Association

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper ___ Notice posted at each school _X__ Other: *(Please specify)* Notice posted Newspaper

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:

   Date the committee/council reviewed the waiver request: Madison Middle School SSC - 01/10/2012

   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:
(i) At least five pupils fewer per classroom than was the average in 2006-07.

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

This Waiver is requesting that the Class Size Reduction Targets established for Madison Middle School of 19.79 in grade 6, 19.83 in grade 7, and 18.67 in grade 8 be increased to 25 students in these grade levels for the 2010-2011 school year in light of the following circumstances:

As a means of meeting both the Class Size Reduction Criteria and the educational needs of the Students in multiple QEIA schools in the Oakland Unified School district, Site and District administrators proposed the use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction for those classes that had student to teacher ratios higher that the QEIA CSR targets. Site and district administrators contacted the Northern California Technical Assistance Center and requested a review and recommendation for this proposal. The recommendation from the Northern California Technical Assistance Center was to proceed with this proposed model for reducing class sizes and progressively support the educational needs of students as the representative from the Northern California Technical Assistance Center determined this proposal to be in line with the Educational Code.

With the support of the administrative and teaching staff at Madison Middle School the proposed model was implemented for the 2010-2011 school year.

Near the conclusion of the 2010-2011 school year, during the pre-monitoring phase, the district was notified by the Northern California Technical Assistance Center that the recommendation the center had made to Oakland Unified School District to proceed with use of Highly Qualified Credentialed Teachers in a "push-in" model for core instruction was not in line with the Educational Code for QEIA class size reduction and therefore those schools who had implemented this model would be found out of compliance for the 2010-2011 school year.

8. Demographic Information:
Oakland USD has a student population of 46,600 and is located in an Urban Setting *in Alameda* County.
Madison Middle School has a student population of 330.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No X Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No X Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title:	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY		
Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

Waiver Number: 73-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014

Period Recommended: Denial

Freedom Elementary School
Pajaro Valley Unified School District

CDS Code: 44 69799 6049696

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is located in Santa Cruz County with a student population of approximately 19,458 students. Freedom Elementary School (ES) has a student population of approximately 611 students serving kindergarten and grades one through five (K–5). Monitoring performed by the Santa Cruz County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11 in one grade one class, two grade two classes, and one grade three class. In addition, grade five exceeded the class size target with a grade level average of 26.0. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 20.44 (K–3), 25.0, and 25.0, respectively.

Pajaro Valley USD states that because of budget constraints, maintaining the class size requirement in K–3 has been a challenge. The district states that this waiver is necessary because of enrollment fluctuations that occurred in the district due to the number of students moving from school to school. The district states that daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. Pajaro Valley USD states that a significant decrease in school funding has made maintaining class size targets unattainable.

Pajaro Valley USD requests a waiver of the QEIA CSR requirements for exceeding the target in one grade one class, two grade two classes, and one grade three class at Freedom ES for school year 2010–11. In addition, the district requests that the QEIA class size target of 25.0 be waived for grade five in school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

The CDE has carefully considered Pajaro Valley USD's request to waive the QEIA CSR requirements for exceeding the target in one grade one class, two grade two classes, and one grade three class at Freedom ES for school year 2010–11, consistent with previous recommendations and SBE action. However, class size information provided by Pajaro Valley USD indicates that the core class size average for grade five was 26.0, an average above the class size average defined in QEIA statute. (See the Summary of Key Issues, page 2.)

Reviewed by Freedom Elementary Schoolsite Council on December 6, 2011.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: **X**

Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency: Pajaro Valley Unified School District for **Freedom Elementary School**	Contact name and Title: Ylda Nogueda, Assistant Superintendent	Contact person's e-mail address: ylda_nogueda@pvusd.net
Address: (City) (State) (ZIP) 294 Green Valley Rd. Watsonville CA 95076		Phone (and extension, if necessary): (831) 786-2133 Fax Number: (831) 761-0334
Period of request: (month/day/year) From: 07/01/2010 To: 06/30/2014	Local board approval date: (Required) 2/8/12	Date of public hearing: (Required) 2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA - Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Freedom School Site Council
   Date the committee/council reviewed the waiver request:
   12/6/11
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of Freedom Elementary, to waive 52055.740 (a)(1)
See Attachment

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Freedom Elementary School has seen many positive changes due to the involvement in the QEIA Program. As a result, the school has seen steady increases in academic growth rate of the Academic Performance Index (API). But due to the budget constraints, maintaining class size requirement in the K-3 has been a challenge. PVUSD is committed to continued implementation of the QEIA Program at Freedom School in which the average is 93% of students are low income. Freedom School has a student population of 614 student with 81% English Learners, and a high mobility rate. The district is requesting that the State Board of Education support the district efforts and allow for adjusted CSR targets.

We are requesting to approve a change in the target numbers for K-3. This request is due to enrollment fluctuations that occurred in our district due to the high student transit. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The significant decrease in funding has made maintaining class size targets unattainable. We have explored other options, such as moving students, putting more students in non-QEIA schools. Pajaro Valley Unified School District is requesting a waiver on meeting the current class size targets for K-3. Freedom School did not meet the K-3 CSR target of 20.44 in 2 classes in 1st grade, 2 classes in 2nd grade and 1 class in 3rd grade. The approval of the waiver would allow us to continue QEIA class size implementation while meeting the demands of the student mobility.

2010-2011 was the only year that Freedom Elementary was found not to have met CSR requirements for K-3 for QEIA funding at one hundred percent. Please note that our district is committed to ensuring compliance with the CSR target requirements. Additionally, Freedom Elementary met all other requirements of QEIA legislation during 2010-2011: Teacher Experience Index, Highly Qualified, Professional Development, Williams Regulations, and the Academic Performance Index growth targets.

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

QUESTION 6 – ATTACHMENT
EDUCATION CODE SECTION 52055.740

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Waiver Number: 76-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014

Period Recommended: Denial

Starlight Elementary School District **CDS Code:** 44 69799 6108146
Pajaro Valley Unified School

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is located in Santa Cruz County with a student population of approximately 19,458 students. Starlight Elementary School (ES) has a student population of approximately 590 students serving kindergarten and grades one through five (K–5). Monitoring performed by the Santa Cruz County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11 in five kindergarten classes and one grade three class. In addition, grade five exceeded the class size target with a grade level average of 25.1. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 20.44 (K–3), 25.0, and 25.0, respectively.

Pajaro Valley USD states that because of budget constraints, maintaining the class size requirement in K–3 and grades four and five has been a challenge. The district states that this waiver is necessary because of enrollment fluctuations that occurred in the district due to the number of students moving from school to school. The district states that daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. Pajaro Valley USD states that a significant decrease in school funding has made maintaining class size targets unattainable.

Pajaro Valley USD requests a waiver of the QEIA CSR requirements for exceeding the target in five kindergarten classes and one grade three class at Starlight ES for school year 2010–11. In addition, the district requests that the QEIA class size target of 25.0 be waived for grade five in school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

The CDE has carefully considered Pajaro Valley USD's request to waive the QEIA CSR requirements for exceeding the target in five kindergarten classes and one grade three class at Starlight ES for school year 2010–11, consistent with previous recommendations and SBE action. However, class size information provided by Pajaro Valley USD indicates that the core class size average for grade five was 25.1, an average above the class size average defined in QEIA statute. (See the Summary of Key Issues, page 2.)

Reviewed by Starlight Elementary Schoolsite Council on December 1, 2011.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: **X**

Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency: Pajaro Valley Unified School District for **Starlight Elementary School**	Contact name and Title: Ylda Nogueda, Assistant Superintendent	Contact person's e-mail address: ylda_nogueda@pvusd.net
Address: (City) (State) (ZIP) 294 Green Valley Rd. Watsonville CA 95076		Phone (and extension, if necessary): (831) 786-2133 Fax Number: (831) 761-0334
Period of request: (month/day/year) From: 07/01/2010 To: 06/30/2014	Local board approval date: (Required) 2/8/12	Date of public hearing: (Required) 2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA - Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Starlight School Site Council
   Date the committee/council reviewed the waiver request:
   12/1/11
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of Starlight Elementary, to waive 52055.740 (a)(1)
See Attachment

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Starlight Elementary has seen many positive changes due to the involvement in the QEIA Program. As a result, the school has seen steady increases in academic growth rate of the Academic Performance Index (API). But due to the budget constraints, maintaining class size requirement in the K-3, and 4-5 has been a challenge. PVUSD is committed to continued implementation of the QEIA Program at Starlight Elementary in which the average is 91% of students are low income. Starlight Elementary has a student population of 661 with 83% English Learners and a high mobility rate. The district is requesting that the State Board of Education support the district efforts and allow for adjusted CSR targets.

We are requesting to approve a change in the target numbers for K-3 and 4-5. This request is due to enrollment fluctuations that occurred in our district due to the high student transit. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The significant decrease in funding has made maintaining class size targets unattainable. We have explored other options, such as moving students, putting more students in non-QEIA schools. Pajaro Valley Unified School District is requesting a waiver on meeting the current class size targets for K-3, and 4-5. Starlight School did not meet the current class size K-3 target of 20.44 in kindergarten and one class in 1st grade and the class size for 5th grade was 25.1 instead of the target of 25. The approval of the waiver would allow us to continue QEIA class size implementation while meeting the demands of the student mobility.

2010-2011 was the only year that Starlight Elementary was found not to have met CSR requirements for K-3 and 4-5 QEIA funding at one hundred percent. Please note that our district is committed to ensuring compliance with CSR target requirements. Additionally, Starlight Elementary met all other requirements of QEIA legislation during 2010-2011: Teacher Experience Index, Highly Qualified, Professional Development, Williams Regulations, and the Academic Index growth target.

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

QUESTION 6 – ATTACHMENT
EDUCATION CODE SECTION 52055.740

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Waiver Number: 77-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014

Period Recommended: Denial

Mintie White Elementary School
Pajaro Valley Unified School District

CDS Code: 44 69799 6049746

Local Educational Agency Request:

Pajaro Valley Unified School District (USD) is located in Santa Cruz County with a student population of approximately 19,458 students. Mintie White Elementary School (ES) has a student population of approximately 615 students serving kindergarten and grades one through five (K–5). Monitoring performed by the Santa Cruz County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11 in four kindergarten classes, five grade one classes, and one grade two class. In addition, grade four exceeded the class size target with a grade level average of 26.0. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 20.44 (K–3), 25.0, and 25.0, respectively.

Pajaro Valley USD states that because of budget constraints, maintaining the class size requirement in K–3 and grades four and five has been a challenge. The district states that this waiver is necessary because of enrollment fluctuations that occurred in the district due to the number of students moving from school to school. The district states that daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. Pajaro Valley USD states that a significant decrease in school funding has made maintaining class size targets unattainable.

Pajaro Valley USD requests a waiver of the QEIA CSR requirements for exceeding the target in four kindergarten classes, five grade one classes, and one grade two class at Mintie White ES for school year 2010–11. In addition, the district requests that the QEIA class size target of 25.0 be waived for grade four in school year 2010–11.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

The CDE has carefully considered Pajaro Valley USD's request to waive the QEIA CSR requirements for exceeding the target in four kindergarten classes, five grade one class, and one grade two class at Mintie White ES for school year 2010–11, consistent with previous recommendations and SBE action. However, class size information provided by Pajaro Valley USD indicates that the core class size average for grade four was 26.0, an average above the class size average defined in QEIA statute. (See the Summary of Key Issues, page 2.)

Reviewed by Mintie White Elementary Schoolsite Council on January 25, 2012.

Supported by Pajaro Valley Federation of Teachers, December 12, 2011.

Local Board Approval: February 8, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION

GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: **X**

Renewal Waiver: __

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
4	4	6	9	7	9	9

Local educational agency: Pajaro Valley Unified School District for **Mintie White Elementary School**	Contact name and Title: Ylda Nogueda, Assistant Superintendent	Contact person's e-mail address: ylda_nogueda@pvusd.net
Address: (City) (State) (ZIP) 294 Green Valley Rd. Watsonville CA 95076		Phone (and extension, if necessary): (831) 786-2133 Fax Number: (831) 761-0334
Period of request: (month/day/year) From: 07/01/2010 To: 06/30/2014	Local board approval date: (Required) 2/8/12	Date of public hearing: (Required) 2/8/12

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): 52055.740 Circle One: (*EC*) or *CCR*

   Topic of the waiver: QEIA - Class Size Reduction

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _X_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): December 12, 2011

   Name of bargaining unit and representative(s) consulted: Pajaro Valley Federation of Teachers
   Francisco Rodriguez, President

   The position(s) of the bargaining unit(s): __ Neutral _X_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   _X__ Notice in a newspaper Notice posted at each school _X_ Other: *(Please specify)* Website

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:
   Mintie White School Site Council
   Date the committee/council reviewed the waiver request:
   1/25/12
   Were there any objection(s)? No _X_ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**)

The Pajaro Valley Unified School District is requesting a waiver on behalf of Mintie White Elementary, to waive 52055.740 (a)(1)
See Attachment

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

Mintie White Elementary has seen many positive changes due to the involvement in the QEIA Program. As a result, the school has seen steady increases in academic growth rate of the Academic Performance Index (API). But due to the budget constraints, maintaining class size requirements in the K-3, and 4-5 has been a challenge. PVUSD is committed to continued implementation of the QEIA Program at Mintie White Elementary in which the average is 88% of students are low income. Mintie White Elementary has a student population of 601 with 79% English Learners and a high mobility rate. The district is requesting that the State Board of Education support the district efforts and allow for adjusted CSR targets.

We are requesting to approve a change in the target numbers for K-3 and 4-5. This request is due to enrollment fluctuations that occurred in our district due to the high student transit. We are a unified school district with a high number of student mobility from school to school. Consequently, daily enrollment fluctuates significantly while staffing normally remains constant to create stability and consistency for the students. The significant decrease in funding has made maintaining class size targets unattainable. We have explored other options, such as moving students, putting more students in non-QEIA schools. Pajaro Valley Unified School District is requesting a waiver on meeting the current class size targets for K-3, and 4-5. Mintie White School did not meet the CSR K-3 target of 20.44 and did not meet the CSR target of 25 in grades 4-5. These targets would allow us to continue QEIA class size implementation while meeting the demands of the student mobility.

2010-2011 was the only year that Mintie White Elementary was found not to have met CSR target in K-3 and 4-5 classes of the requirements for QEIA funding at one hundred percent. Please note that our district is committed to ensuring compliance with the CSR target requirements.

8. Demographic Information:
Pajaro Valley Unified School District has a student population of _19,458_ and is located in a rural/urban area in Santa Cruz County with 80% Hispanic/ Latino, 50% English Learners and 70% Free & Reduced Lunch

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date:

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

QUESTION 6 – ATTACHMENT
EDUCATION CODE SECTION 52055.740

52055.740. (a) For each funded school, the county superintendent of schools for the county in which the school is located shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

(A) For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(B) For self-contained classrooms in grades 4 to 8, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of self-contained classrooms in that grade at the schoolsite. If the self-contained classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a self-contained classroom in grades 4 to 8, inclusive, with more than 27 pupils regardless of its average classroom size.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4 to 12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

(~~i) At least five pupils fewer per classroom than was the average in 2006-07.~~

(ii) An average of 25 pupils per classroom.

(iii) For purposes of this subparagraph, average classroom size shall be calculated at the grade level based on the number of subject-specific classrooms in that grade at the schoolsite. If the subject-specific classrooms at the school averaged fewer than 25 pupils per classroom during the 2005-06 school year, that lower average shall be used as the "average in 2006-07" for purposes of this subparagraph. A school that receives funding under this article shall not have a class in English language arts, reading, mathematics, science, or history and social science in grades 4 to 12, inclusive, with more than 27 pupils regardless of its average classroom size.

Waiver Number: 135-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014

Period Recommended: Denial

Boyd Elementary School
Rialto Unified School District

CDS Code: 36 67850 6036610

Local Educational Agency Request:

Rialto Unified School District (USD) is an urban school district located in San Bernardino County with a student population of approximately 26,538 students. Boyd Elementary School (ES) has a student population of approximately 572 students serving kindergarten and grades one through five (K–5). Monitoring performed by the San Bernardino County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 20.44 (K–3), and 25.0 for grades four and five, respectively.

Rialto USD states that, due to fiscal constraints, class sizes were recalculated and have increased in years subsequent to QEIA enactment. The district states that changes to the class size reduction program have also been made to allow classes in grades one through three to exceed the 20.44 cap to as high as 30 and continue to retain a majority of CSR funding. The district states that by creatively exhausting all flexible funding sources, it has managed to successfully attain QEIA CSR targets for the past three years, but it has reached a point where an increase in targets is necessary.

Rialto USD requests a waiver of the QEIA CSR target for kindergarten and grades four and five at Boyd ES for school years 2010–11 through 2013–14 and the establishment of an alternative CSR target of 32.0 per kindergarten class and 34.0 students on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

The CDE recommends denial of this request based on five factors: (1) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools; (2) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (3) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (4) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Boyd Elementary Schoolsite Council on February 6, 2012.

Supported by Rialto Educator's Association, February 1, 2012.

Local Board Approval: February 22, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST

GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __x_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	8	5	0

Local educational agency: Rialto Unified School District	Jennette Harper		Contact person's e-mail address: Jharper3@rialto.k12.ca.us
Address: 182 E. Walnut Ave	(City) Rialto	(State) CA	(ZIP) 92376
Phone (and extension, if necessary): 909-820-7700 x 2300			
Period of request: (month/day/year) From: 7-1-2010 To: 6-30-2014	Local board approval date: (Required) 2-22-2012	Date of public hearing: (Required) 2-22-2012	

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

   Topic of the waiver: Waive recommendation for QEIA funding termination at Boyd Elementary School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 2-1-12

   Name of bargaining unit and representative(s) consulted: Rialto Educator's Association- Lisa Lindberg, President, Leslie Chambers, Vice President

   The position(s) of the bargaining unit(s): __ Neutral _x_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __x_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Boyd Schoolsite council

   Date the committee/council reviewed the waiver request: 2-6-12

   Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attached

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attached

8. Demographic Information:
Rialto Unified School District has a student population of 26,538 and is located in an *urban area* in the San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 2-24-2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

6. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use strike out key).

a. For each funded school, the county superintendent of schools for the country in which the school is located, shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(1) Meet all of the following class size requirements:

i. ~~For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class~~, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(2) Meet all of the following class size requirements:

(B) For self-contained classrooms in grades 4-8, inclusive, an average classroom size that is the less of clause (i) or (ii), as follows: (i) At least five pupils fewer per classroom than was the average in ~~2006-2007;~~ (ii) ~~an average of 25 pupils per classroom~~.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4-12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

At least five pupils fewer per classroom than was the average in 2006-2007; (ii) an average3 of 25 pupils per classroom.

7. Desired Outcome/Rationale

Rialto Unified School District requests on behalf of **Boyd Elementary School** a waiver to the requirement of maintaining CSR in grade K at 20.44 and in grades 4-5 at 25:1 to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2010-June 30, 2014. We respectfully request that that the class size requirement be lifted and that class size for K not to exceed 32:1, and grade 4 and 5 not to exceed 34:1. We will focus our QEIA funding in grades 1 to 3. Boyd Elementary School is a Title 1 school with approximately **88%** of its students receiving free or reduced lunch. State level cuts to revenue limit funding have resulted in teacher reductions causing an increase of the student-to-teacher ratio.

Due to fiscal constraints, class sizes were recalculated and have increased in subsequent years after QEIA was enacted. Changes to the Class Size Reduction program have also been changed to allow classes in grades 1 through 3 to exceed the 20.44 cap to as many as 30 and continue to retain a majority of CSR funding. Approval of this waiver to exceed the 20.44 cap will permit Boyd Elementary School to maintain and to continue to receive QEIA funding for 2012-13 and hopefully beyond. In addition, approval of the waiver to exceed the 25:1 cap in grades 4-5 will also permit Boyd to maintain and continue to receive QEIA funding.

Boyd Elementary School met the spirit of law and has improved the quality of academic instruction and the level of student achievement. The school has exceeded its three year average for API, with an average gain of **11 points per year surpassing the target of 5 points per year as set by the CDE**. Boyd has an API score of 737.

By creatively exhausting all flexible funding sources, RUSD has managed to successfully staff our CSR targets for the past three years. We have now reached a point at which an increase of our baseline targets is necessary to maintain the momentum that will help move our schools out of Program Improvement.

RUSD has fifty-five teachers who are staffed by QEIA funding of $8 million for the 2011-2012 school year. Approval of this waiver would allow RUSD to maintain its staffing and funding while continuing to make academic gains.

Waiver Number: 142-2-2012 **Period of Request:** July 1, 2010, to June 30, 2014

Period Recommended: Denial

Henry Elementary School **CDS Code:** 36 67850 6036644
Rialto Unified School District

Local Educational Agency Request:

Rialto Unified School District (USD) is an urban school district located in San Bernardino County with a student population of approximately 26,538 students. Henry Elementary School (ES) has a student population of approximately 562 students serving kindergarten and grades one through five (K–5). Monitoring performed by the San Bernardino County Office of Education indicates that the Class Size Reduction (CSR) requirements of the Quality Education Investment Act (QEIA) were not fully met in school year 2010–11. The district's current QEIA CSR targets for the average size of core classes of English, mathematics, history-social science, and science were 20.44 (K–3), and 25.0 for grades four and five, respectively.

Rialto USD states that, due to fiscal constraints, class sizes were recalculated and have increased in years subsequent to QEIA enactment. The district states that changes to the class size reduction program have also been made to allow classes in grades one through three to exceed the 20.44 cap to as high as 30 and continue to retain a majority of CSR funding. The district states that by creatively exhausting all flexible funding sources, it has managed to successfully attain QEIA CSR targets for the past three years, but it has reached a point where an increase in targets is necessary.

Rialto USD requests a waiver of the QEIA CSR target for kindergarten and grades four and five at Boyd ES for school years 2010–11 through 2013–14 and the establishment of an alternative CSR target of 32.0 per kindergarten class and 34.0 students on average in core classes in grades four and five.

California Department of Education Recommendation and Conditions:

The California Department of Education (CDE) recommends denial of this waiver request because its approval would not adequately address the educational needs of pupils per California *Education Code* Section 33051(a)(1).

The CDE recommends denial of this request based on five factors: (1) QEIA funding is expected to be used to hire teachers resulting in significantly reduced class sizes for students at QEIA schools; (2) QEIA legislation requires an average classroom size of 25 students or lower for core subjects, with no more than 27 students per classroom regardless of the average classroom size; (3) significant increases in classroom sizes will potentially impact academic performance in the near future, causing student performance to suffer; and (4) approximately 80 percent of all QEIA schools have been successful in meeting QEIA program requirements and staying within the parameters of the program.

Reviewed by Henry Elementary Schoolsite Council on February 6, 2012.

Supported by Rialto Educator's Association, February 1, 2012.

Local Board Approval: February 22, 2012.

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (Rev. 10-2-09) http://www.cde.ca.gov/re/lr/wr/

First Time Waiver: __x_
Renewal Waiver: ___

Send Original plus one copy to:
Waiver Office, California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814

Send Electronic copy in **Word** and back-up material to: waiver@cde.ca.gov

CD CODE						
3	6	6	7	8	5	0

Local educational agency: Rialto Unified School District	Jennette Harper		Contact person's e-mail address: Jharper3@rialto.k12.ca.us
Address: 182 E. Walnut Ave	(City) Rialto	(State) CA	(ZIP) 92376	Phone (and extension, if necessary): 909-820-7700 x 2300
Period of request: (month/day/year) From: 7-1-2010 To: 6-30-2014	Local board approval date: (Required) 2-22-2012	Date of public hearing: (Required) 2-22-2012	

LEGAL CRITERIA

1. Under the general waiver authority of *Education Code* 33050-33053, the particular *Education Code* or *California Code of Regulations* section(s) to be waived (number): Circle One: *EC* or *CCR*

   Topic of the waiver: Waive recommendation for QEIA funding termination at Henry Elementary School

2. If this is a renewal of a previously approved waiver, please list Waiver Number: _____ and date of SBE Approval_____
   Renewals of waivers must be submitted two months before the active waiver expires.

3. Collective bargaining unit information. Does the district have any employee bargaining units? __ No _x_ Yes If yes, please complete required information below:

   Bargaining unit(s) consulted on date(s): 2-1-12

   Name of bargaining unit and representative(s) consulted: Rialto Educator's Association- Lisa Lindberg, President, Leslie Chambers, Vice President

   The position(s) of the bargaining unit(s): __ Neutral _x_ Support __ Oppose (*Please specify why*)

   Comments (if appropriate):

4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.

   How was the required public hearing advertised?

   ___ Notice in a newspaper __x_ Notice posted at each school ___ Other: *(Please specify)*

5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver: Henry Schoolsite council

   Date the committee/council reviewed the waiver request: 2-6-12

   Were there any objection(s)? No _x__ Yes ___ (*If there were objections please specify)*

CALIFORNIA DEPARTMENT OF EDUCATION
GENERAL WAIVER REQUEST
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived**.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

See Attached

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

See Attached

8. Demographic Information:
Rialto Unified School District has a student population of 26,538 and is located in an *urban area* in the San Bernardino County.

Is this waiver associated with an apportionment related audit penalty? (per *EC* 41344) No ☒ Yes ☐
(If yes, please attach explanation or copy of audit finding)

Has there been a Categorical Program Monitoring (CPM) finding on this issue? No ☒ Yes ☐
(If yes, please attach explanation or copy of *CPM* finding)

District or County Certification – *I hereby certify that the information provided on this application is correct and complete*.

Signature of Superintendent or Designee:	Title: Superintendent	Date: 2-24-2012

FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY

Staff Name (*type or print*):	Staff Signature:	Date:
Unit Manager (*type or print*):	Unit Manager Signature:	Date:
Division Director (*type or print*):	Division Director Signature:	Date:
Deputy (*type or print*):	Deputy Signature:	Date:

7. *Education Code or California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use strike out key).

a. For each funded school, the county superintendent of schools for the country in which the school is located, shall annually review the school and its data to determine if the school has met all of the following program requirements by the school by the end of the third full year of funding:

(3) Meet all of the following class size requirements:

i. ~~For kindergarten and grades 1 to 3, inclusive, no more than 20 pupils per class~~, as set forth in the Class Size Reduction Program (Chapter 6.10 (commencing with Section 52120)).

(4) Meet all of the following class size requirements:

(B) For self-contained classrooms in grades 4-8, inclusive, an average classroom size that is the less of clause (i) or (ii), as follows: (i) At least five pupils fewer per classroom than was the average in ~~2006-2007;~~ (ii) ~~an average of 25 pupils per classroom~~.

(C) For classes in English language arts, reading, mathematics, science, or history and social science courses in grades 4-12, inclusive, an average classroom size that is the lesser of clause (i) or (ii), as follows:

At least five pupils fewer per classroom than was the average in 2006-2007; (ii) an average3 of 25 pupils per classroom.

7. Desired Outcome/Rationale

Rialto Unified School District requests on behalf of **Henry Elementary School** a waiver to the requirement of maintaining CSR in grade K at 20.44 and in grades 4-5 at 25:1 to fiscally support and meet all of the QEIA component mandates for the time periods of July 1, 2010 through June 30, 2014. We respectfully request that that the class size requirement be lifted and that class size for K not to exceed 32:1, and grades 4 and 5 not to exceed 34:1. We will focus our QEIA funding in grades 1 to 3. Henry Elementary School is a Title 1 school with approximately **93%** of its students receiving free or reduced lunch. State level cuts to revenue limit funding have resulted in teacher reductions causing an increase of the student-to-teacher ratio.

Due to fiscal constraints, class sizes were recalculated and have increased in subsequent years after QEIA was enacted. Changes to the Class Size Reduction program have also been changed to allow classes in grades 1 through 3 to exceed the 20.44 cap to as many as 30 and continue to retain a majority of CSR funding. Approval of this waiver to exceed the 20.44 cap will permit Henry Elementary School to maintain and to continue to receive QEIA funding for 2012-13 and hopefully beyond. In addition, approval of the waiver to exceed the 25:1 cap in grades 4-5 will also permit Henry to maintain and continue to receive QEIA funding.

Henry Elementary School met the spirit of law and has improved the quality of academic instruction and the level of student achievement. The school has exceeded its three year average for API, with an average gain of **45.7 points per year surpassing the target of 5.7 points per year as set by the CDE**. Henry has an API score of 791.

By creatively exhausting all flexible funding sources, RUSD has managed to successfully staff our CSR targets for the past three years. We have now reached a point at which an increase of our baseline targets is necessary to maintain the momentum that will help move our schools out of Program Improvement.

RUSD has fifty-five teachers who are staffed by QEIA funding of $8 million for the 2011-2012 school year. Approval of this waiver would allow RUSD to maintain its staffing and funding while continuing to make academic gains.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

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

SUMMARY OF THE ISSUE(S)

This is a standing item on the agenda, which allows the members of the public to address the board on any matter that is not included in this meeting's agenda.

RECOMMENDATION

Listen to public comment on matters not included on the agenda.

BRIEF HISTORY OF KEY ISSUES

Not applicable.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Not applicable.

FISCAL ANALYSIS (AS APPROPRIATE)

Not applicable.

ATTACHMENT(S)

Not applicable.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Request by Napa Valley Unified School District regarding California *Education Code* sections 17515 through 17526, Joint Public/Private Occupancy Proposal, allowing the Napa Valley Unified School District and Napa Valley College to enter into leases and agreements relating to real property and buildings to be used jointly by the District and Napa Valley College.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) 17524(a) specifies the governing board of a school district shall not approve any joint occupancy proposal nor enter into a lease or contract incorporating a proposal until the governing board has submitted the proposal to the State Board of Education for its approval or disapproval.

Upon receiving approval from the State Board of Education (SBE), the district will enter into negotiations with the Napa Valley College (NVC) regarding the specific terms of the joint occupancy agreement. The district has stated in the tentative joint occupancy agreement that any such agreement will contain limitations on access to the property by members of the public and NVC students during school hours, requirements regarding liability insurance, and be in accordance with all legal requirements.

RECOMMENDATION

The California Department of Education (CDE) recommends that the SBE approve the Napa Valley Unified School District's proposal to enter into a joint occupancy agreement with NVC to use three classrooms and an office for the use by the college along with designated parking facilities for staff and students.

BRIEF HISTORY OF KEY ISSUES

California *EC* Section 17515 allows a school district to enter into a joint occupancy agreement providing certain requirements are met. Also, pursuant to *EC* Section 17517 the agreement may not exceed 66 years. A joint occupancy agreement allows the district and a private or public party to jointly develop and operate buildings on district owned property. The joint occupancy proposal is between the Napa Valley Unified School District and NVC. The proposal includes three classrooms and an office located

BRIEF HISTORY OF KEY ISSUES (CONT.)

in the administration building at American Canyon High School. The district will also allow parking for college staff and students.

The Napa Valley Unified School District states the district will benefit by students having access to college classes. The classes offered will be credit, non-credit, community education classes, contract education, educational partnerships, and will provide counseling and other services to students. Additionally, NVC will contribute $891,276 to Napa Valley Unified School District towards the joint occupancy facilities.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved several joint occupancy agreements with the Los Angeles Unified School District and various partners. Most recently a joint occupancy agreement was approved between San Diego Unified School District and Peninsula Young Men's Christian Association (YMCA).

FISCAL ANALYSIS (AS APPROPRIATE)

There is no state fiscal impact.

ATTACHMENT(S)

Attachment 1: Proposal for Joint Occupancy between Napa Valley Unified School District and NVC for three classrooms, an office, and parking at American Canyon High School (11 pages)

Attachment 2: Site plan of American Canyon High School (2 pages)

WHEN RECORDED RETURN TO:

Napa Valley Unified School District
2425 Jefferson Street
Napa, California 94558
Attention: Patrick J. Sweeney, Ed.D.

WITH A COPY TO:

Napa Valley College
2277 Napa-Vallejo Highway
Napa, CA 94588
Attention: Edna V. Baehre-Kolovani, PH.D.

This document is recorded for the benefit of the Napa Valley Unified School District, and recording fee(s) are exempt under Government Code section 6103.

TENTATIVE JOINT OCCUPANCY AGREEMENT & LEASE

For all or a portion of the following Project Site:

American Canyon High School
3000 Newell Drive
American Canyon, CA 94503

By and between

Napa Valley Unified School District
2425 Jefferson Street
Napa, California 94558
Attention: Patrick J. Sweeney, Ed.D.

And

Napa Valley College
2277 Napa-Vallejo Highway
Napa, CA 94588
Attention: Edna V. Baehre-Kolovani, Ph.D.

Dated as of _____, 2012

TENTATIVE AGREEMENT BETWEEN NAPA VALLEY UNIFIED SCHOOL DISTRICT AND NAPA VALLEY COLLEGE REGARDING JOINT OCCUPANCY OF CLASSROOM FACILITIES, AMERICAN CANYON HIGH SCHOOL

THIS AGREEMENT is made this __ day of _____, 2012, by and between the Napa Valley Unified School District located in Napa County, California (hereinafter "District") and Napa Valley College located in Napa, California (hereinafter "College").

RECITALS

WHEREAS, the District is a duly organized political subdivision of the State of California;

WHEREAS, the College is a duly organized political subdivision of the State of California;

WHEREAS, the District is the owner of certain real property situated in American Canyon, California ("Property"), upon which the District has constructed a high school known as American Canyon High School ("High School");

WHEREAS, District and College desire to make certain classroom facilities and parking facilities to be located on the Property available for use by the College during certain hours as set forth below, and to enable the College to offer educational programs to students of both the College and the High School;

WHEREAS, the College desires to finance the design and construction of certain classroom facilities at the High School ("Joint Occupancy Facilities");

WHEREAS, the District, pursuant to, without limitation, section 17515, et seq., of the Education Code, is authorized to enter into joint occupancy agreements with other public and private entities;

WHEREAS, on September 15, 2011 the District adopted a resolution of intention to solicit proposals for a joint occupancy agreement ("Resolution").

WHEREAS, the District published the notice of the adoption of the Resolution in the Napa Valley Register not less than once a week for three successive weeks.

WHEREAS, on January 19, 2012, after reviewing all plans and proposals submitted in response to the District's solicitation, selected the proposal submitted by the College.

WHEREAS, the College is authorized to enter into cooperative agreements with other governmental entities in the execution of its authorized powers;

WHEREAS, the District and College desire to enter into a cooperative agreement for financing the construction of and providing for the College's use of said Joint Occupancy Facilities;

NOW THEREFORE, in consideration of the covenants and agreements hereinafter set forth, District and College agree as follows:

FINANCING AND CONSTRUCTION PROVISIONS

1. **Design of Joint Occupancy Facilities**. The District shall cause the Joint Occupancy Facilities to be designed, subject to the College's approval, which shall not be unreasonably withheld. The District or its agents or representatives shall meet and confer with the College prior to finalizing design work on the Joint Occupancy Facilities, and at reasonable intervals during the design process.

2. **Construction of Joint Occupancy Facilities.** The District shall cause the Joint Occupancy Facilities to be constructed and completed as indicated herein. The District or its agents or representatives shall meet and confer with the College prior to commencing construction of the Joint Occupancy Facilities, and at reasonable intervals throughout the construction process. Construction of the Joint Occupancy Facilities shall substantially comply with the design upon which the College has met and conferred. Prior to any substantial deviation from said design, the District or its agents or representatives shall further meet and confer with the City.

3. Payment of Joint Occupancy Facilities Cost.

3.1. The Parties agree that the College shall contribute **eight hundred ninety-one thousand two hundred seventy-six dollars ($891,276)** ("Joint Occupancy Facilities Cost") toward the construction of the Joint Occupancy Facilities. ("Joint Occupancy Facilities Cost")

3.2. The College shall pay the Joint Occupancy Facilities Cost to the District on or before May 1, 2012 The District shall give the College thirty (30) days notice prior to this date.

4. <u>Termination for Cause</u>.

4.1 If the College breaches this Agreement in any material way, the District may elect to provide written notice to the College of the breach(es). If the College does not cure the breach(es) within ten (10) days of receipt of the notice by paying all overdue funds, the District may terminate this Agreement by providing written notice of termination to the College. College shall be liable to District for all costs, fees, expenses, and other damages the District incurs because of the College's breach(es).

4.2 The remedies in this paragraph are in addition to any additional remedies available at law or under this Agreement. A decision by a Party not to terminate this Agreement pursuant to this paragraph does not constitute a waiver of any other claims or remedies that Party may have against the other.

JOINT OCCUPANCY PROVISIONS

5. <u>Scope of Use</u>

5.1 **<u>Purpose</u>.** The parties desire to create and set aside in the High School three classrooms and an office for the use of the College. This Agreement shall set forth the terms and conditions of such use and operation.

5.2 The College shall have sole and exclusive use of the Joint occupancy Facilities, as defined, for the purpose of offering credit, non-credit, community education classes, contract education, educational partnerships and providing counseling and other services to students, and meeting space.

6. <u>Description of Joint Occupancy Facilities</u>. The Joint Occupancy Facilities are located in the Administration Building at American Canyon High School, American Canyon, California and as more particularly described in Exhibit **"A"** ("Joint Occupancy Facilities") attached hereto and incorporated herein by reference.

7. <u>Title to Joint Occupancy Facilities.</u> During the term of this Agreement, the College shall hold fee title to the Joint Occupancy Facilities. Nothing in this Agreement shall change, in any way, the District's ownership in the High School site.

8. <u>College Parking</u>

8.1 The District will allow College staff and student parking, in the their respective lots, according to the parking restrictions and conditions as defined by the District.

9. <u>Scheduling, Use and Control of Joint Occupancy Facilities.</u>

9.1 In consideration for the payment by the College as set forth in section 3 of this Agreement, the College shall be entitled to exclusive use of the Joint Occupancy Facilities.

9.2 The parties agree that they will not unreasonably withhold permission to reserve their respective spaces as appropriate when not otherwise in use following each party's facilities reservation processes.

9.3 College may not delegate its use of the Joint Occupancy Facilities to any individual or organization without the express, written consent of the District.

9.4 **Operation of Joint Occupancy Facilities**.

9.4.1 Both Parties shall attempt to accommodate scheduled uses to the extent feasible when scheduling the performance of maintenance.

9.4.2 **Supervision.** The College shall be solely responsible for supervision and control of the Joint Occupancy Facilities, whether or not the College has delegated use of the Joint Occupancy Facilities to another individual or organization.

9.4.3 **Damage to Joint Occupancy Facilities**. College shall be solely responsible for all damages to the Joint Occupancy Facilities, whether such damages are directly or indirectly caused by the employees, agents, officers or invitees of College, or by individuals or organizations entering, using, or servicing the Joint Occupancy Facilities.

9.4.4 **Closure of Joint Occupancy Facilities**. The parties recognize that the Joint Occupancy Facilities may need to be closed from time to time in the interest of public safety or for repairs and maintenance. District shall give notice to College as far in advance as possible in the event the Joint Occupancy Facilities are to be closed. College shall immediately notify District of any conditions necessitating a closure of the Joint Occupancy Facilities or any portion thereof. The District shall use its best efforts to coordinate the closing of the Joint Occupancy Facilities with the College's schedule of use.

9.4.5 **District Rules and Regulations.** Both parties shall ensure that all rules and regulations of the District Board of Trustees and all federal, state, and local laws, ordinances and regulations, are strictly observed during all periods of use.

9.4.6 **Non-Discrimination**. Neither party shall employ any

discriminatory practices in its performance hereunder, including its employment practices, on the basis of sex, race, color, religion, national origin, ancestry, age, sexual orientation, or physical or mental disability.

9.4.7 **Prohibited Activities.** Use of tobacco products, intoxicants or narcotics is prohibited in or about the Joint Occupancy Facilities, nor shall profane language, quarreling, fighting or gambling be permitted.

10. Maintenance, Repairs and Improvement

10.1 **Definitions.** For purposes of this section:

"Maintenance" shall mean all expenditures for repairs, replacement, and routine upkeep of the Joint Occupancy Facilities, including door hardware and floor coverings.

"Operations" shall mean all expenses related to the use of the Joint Occupancy Facilities, such as cleaning, disinfecting, heating, and lighting, which are regularly incurred, whether daily, weekly or monthly.

"Supplies" shall mean all expenditures in connection with the use of the Joint Occupancy Facilities, such as brooms, mops, light bulbs, towels, and other chemicals, and similar maintenance supplies or items.

10.2 **Responsibilities of Parties.**

10.2.1 The District agrees to provide routine custodial services, annual custodial services, routine maintenance, and utilities for a reasonable fee to be determined annually and communicated in writing to the College no later than May 31th for the following school year. Unforeseen major maintenance costs and responsibilities will be negotiated on a case by case basis.

10.2.2 All plans and specifications relating to improvements being made by the College shall be reviewed and approved by the District prior to construction, and no improvement shall be used until it is inspected and approved by the District in writing. The date of commencement of the work shall be mutually agreed upon and shall be scheduled to minimize, as much as feasible, any impact on District programs. All permanent improvements shall conform to existing laws applicable to school facilities, including, but not limited to, building codes, District specifications, and contractor safety and fingerprinting requirements described in Education Code section 45125.1-45125.2.

11. **Term of Agreement**. The term of this Agreement shall commence July 1, 2012 and shall remain in effect until June 30, 2078.

12. **College Staffing Issues**

12.1 **Fingerprinting and Criminal Background Investigations**. College shall be responsible for ensuring compliance with all applicable fingerprinting and criminal background investigation requirements described in Education Code sections 88024 and 87013 and college policy. The College's responsibility shall extend to all staff, regardless of whether such individuals are paid or unpaid, concurrently employed by the District.

12.2 **Overlapping Employment.** College understands that its employees are employed solely by College and responsible to College during all hours worked for College, whether paid or unpaid. The parties acknowledge that District employees may become staff of the College. College agrees that District employees shall not be required to work for College during times the person is on District employment. When employed by College, District employees are responsible to College during all hours worked for College.

12.3 **Conflict of Interest**. College agrees that it and its governing board shall avoid any relationship with the District that constitutes or potentially constitutes a conflict of interest between the College, members of its board, if applicable, and the District. This prohibition shall extend to employment with District, in cases where a conflict of interest may arise from said relationship.

13. **Hold Harmless/Indemnification.**

13.1 The District shall indemnify, defend and hold harmless College against and from any and all claims or suits for death, damages or injury arising from District's performance of this Agreement or from any activity, work, or thing done, permitted, or suffered by the District in conjunction with the performance of this Agreement, and shall further indemnify, defend, and hold harmless College against and from all claims or suits arising from any breach or default of any performance of any obligation of District hereunder, and against and from all costs, attorney's fees, expenses, and liabilities related to any action or proceeding brought within the scope of this indemnification, except where such claims or suits arise out of the willful misconduct or negligent acts or omissions of College in connection with the use of the Joint Occupancy Facilities.

13.2 The College shall indemnify, defend and hold harmless District against and from any and all claims or suits for death, damages or injury arising from Colleges's performance of this Agreement or from any activity, work, or thing done, permitted, or suffered by the College in conjunction with the performance of this Agreement, and shall further indemnify, defend, and hold harmless District

against and from all claims or suits arising from any breach or default of any performance of any obligation of College hereunder, and against and from all costs, attorney's fees, expenses, and liabilities related to any claim, action or proceeding brought within the scope of this indemnification, except where such claims or suits arise out of the willful misconduct or negligent acts or omissions of District in connection with the use of the Joint Occupancy Facilities

14. **Workers' Compensation Insurance.** College shall provide workers' compensation insurance coverage for all employees involved in the use of the Joint Occupancy Facilities during College Hours.

15. **Liability Insurance.**

15.1 District shall during the term of this Agreement maintain sufficient insurance of not less than five million dollars ($5,000,000) to pay claims for bodily injury, personal injury, or property damage which may arise as a result of District's performance of this Agreement. District agrees to provide College a thirty (30) day notice of any reduction or cancellation of such insurance.

15.2 College has in force, and during the term of this Agreement shall maintain in force, a combined, single-limit liability insurance policy in the amount of not less than five million dollars ($5,000,000) with District, its employees and agents, at the College's expense, named as additional insured under such policies. Such policy shall provide for a thirty (30) day notice of any cancellation or reduction of such insurance to the District. College agrees to provide District a certificate of insurance evidencing this coverage in a form satisfactory to District upon execution of this Agreement.

GENERAL PROVISIONS

16. **Force Majeure**. Neither Party shall be held responsible or liable for an inability to fulfill any obligation under this Agreement by reason of an act of God, natural disaster, rationing or restrictions on the use of utilities or public transportation whether due to energy shortages or other causes, war, civil disturbance, riot, or terrorism ("Force Majeure"). Any Party relying on a Force Majeure shall give the other Party reasonable notice thereof, and the Parties shall use their best efforts to minimize potential adverse effects from such Force Majeure, including, without limitation, subcontracting the obligations of the Party claiming such Force Majeure to a third party and extending the time periods for performance.

17. **Assignment**. Neither Party may, without the other Party's prior written consent, assign its rights or delegate its duties pursuant to this Agreement. This provision does not apply to the District's contracting with contractor(s), consultant(s), or others to perform services or provide other items related to the planning, approval, design, or construction of High School, including the Joint Occupancy Facilities.

18. **Successors and Assigns**. This Agreement shall bind the successors and assigns of the Parties hereto.

19. **Further Assurances**. Each Party to this Agreement shall at its own expense perform all acts and execute all documents and instruments that may be necessary or convenient to carry out its obligations under this Agreement.

20. **Modifications**. The terms and conditions of this Agreement may be modified or changed only by written mutual consent of the Parties.

21. **Notices**. Any notices that either Party desires to or is required to give to the other Party or to any other person shall be in writing and either served personally or sent by prepaid first class mail. Such notices shall be addressed to the other Party at the address set forth below. Either Party may change its address or "the copy to information" by notifying the other Party/contact of the change. Notice shall be deemed communicated within seventy-two hours from the date of mailing, if mailed as provided in this paragraph.

To College:	**To District:**
President Napa Valley Community College District 2277 Napa Valley Highway Napa, CA 94558	Superintendent Napa Valley Unified School District 2425 Jefferson St. Napa, California 94558
with a copy to:	**with a copy to:**
Glenn N. Gould, Esq. Dannis Woliver Kelley 71 Stevenson Street, 19th Floor San Francisco, California 94105	Glenn N. Gould, Esq. Dannis Woliver Kelley 71 Stevenson Street, 19th Floor San Francisco, California 94105

22. **Execution in Counterparts**. This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy, or an original, with all signatures appended together, shall be deemed a fully executed Agreement.

23. **Interpretation**. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either Party.

24. **Severability.** Should all or any portion of any provision of this Agreement be held unenforceable or invalid for any reason, but the remainder of the Agreement can be enforced without failure of material consideration to any Party, then the remaining portions or provisions shall be unaffected.

Governing Law. This Agreement shall be governed by the laws of the State of

California and venue shall be in the appropriate Superior Court in Napa County, California.

25. **Incorporation of Recitals and Exhibits**. The Recitals and all Exhibits attached hereto, are hereby incorporated herein and made a part of this Agreement by this reference.

26. **Captions**. The headings used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

27. **Entire Agreement**. This Agreement constitutes the entire Agreement between the Parties and supersedes all prior negotiations, representations, or agreements, either written or oral.

28. **Time of the Essence**. Time is of the essence in the performance of each Party's respective obligations under this Agreement.

29. **Parties to Bear Their Own Costs**. Except as specifically set forth in this Agreement, the Parties shall each bear their own costs, including, without limitation, attorneys' and consultants' fees, incurred in connection with any negotiations, strategic planning, analysis and due diligence relating to this Agreement.

30. **Effective Date**. This Agreement must be executed by both Parties and approved or ratified by the College's Board of Trustees and the District's Board of Trustees. This Agreement shall be effective upon the latter date of approval of either of the Parties' Board of Trustees.

ACCEPTED AND AGREED on the date indicated below:

Dated: _____, 2012	Dated: _____, 2012
NAPA VALLEY COMMUNITY COLLEGE DISTRICT	**NAPA VALLEY UNIFIED SCHOOL DISTRICT**
By: _____	By: _____
Print Name: Edna Baehre-Kolovani, Ph.D	Print Name: Patrick J. Sweeney, Ed.D
Print Title: President	Print Title: Superintendent

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first above written.

CERTIFICATE OF ACKNOWLEDGEMENT

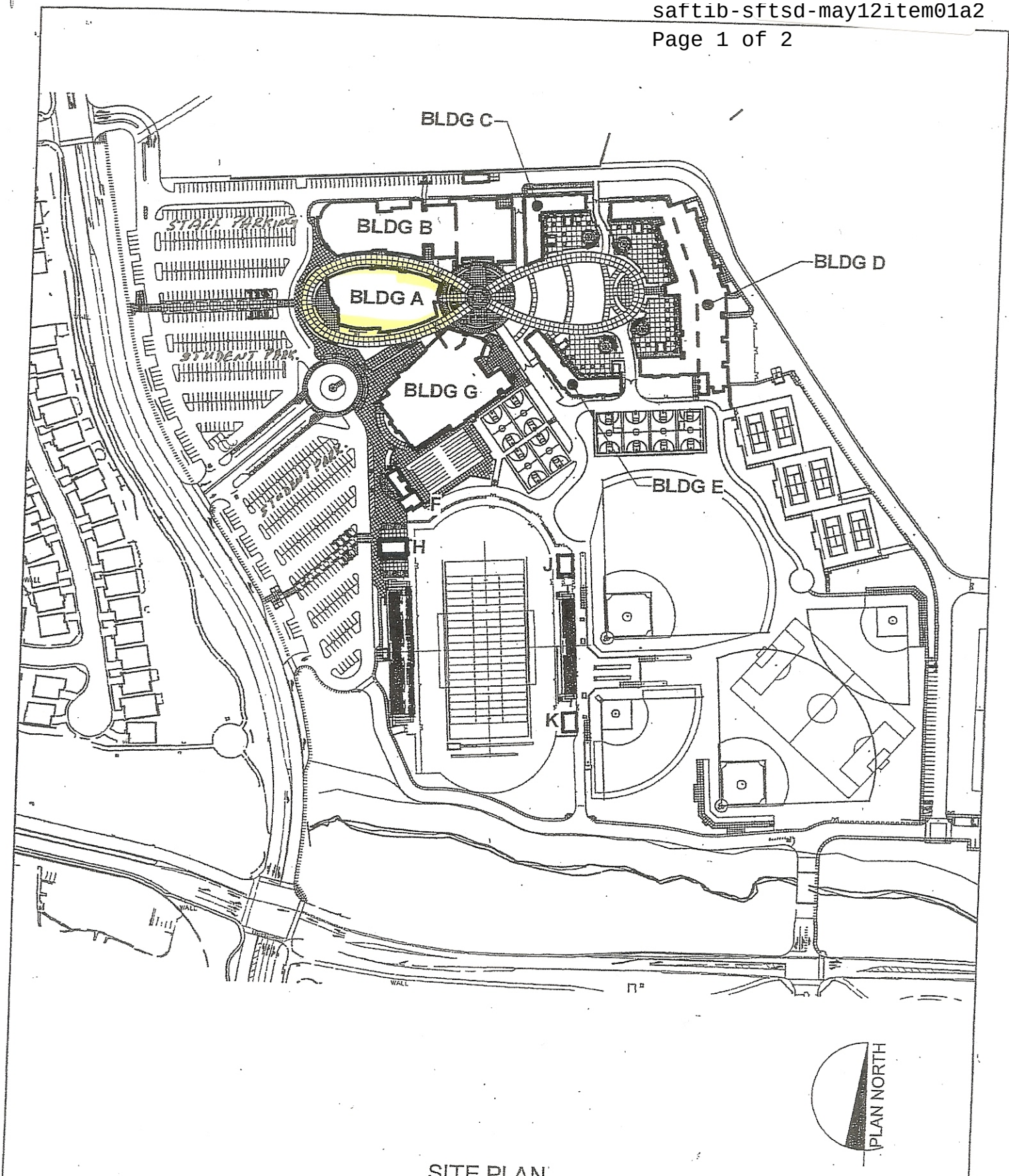
State of California)
County of Napa)

On _____ before me, [notary name], Notary Public, personally appeared
_____
_____
_____, who
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

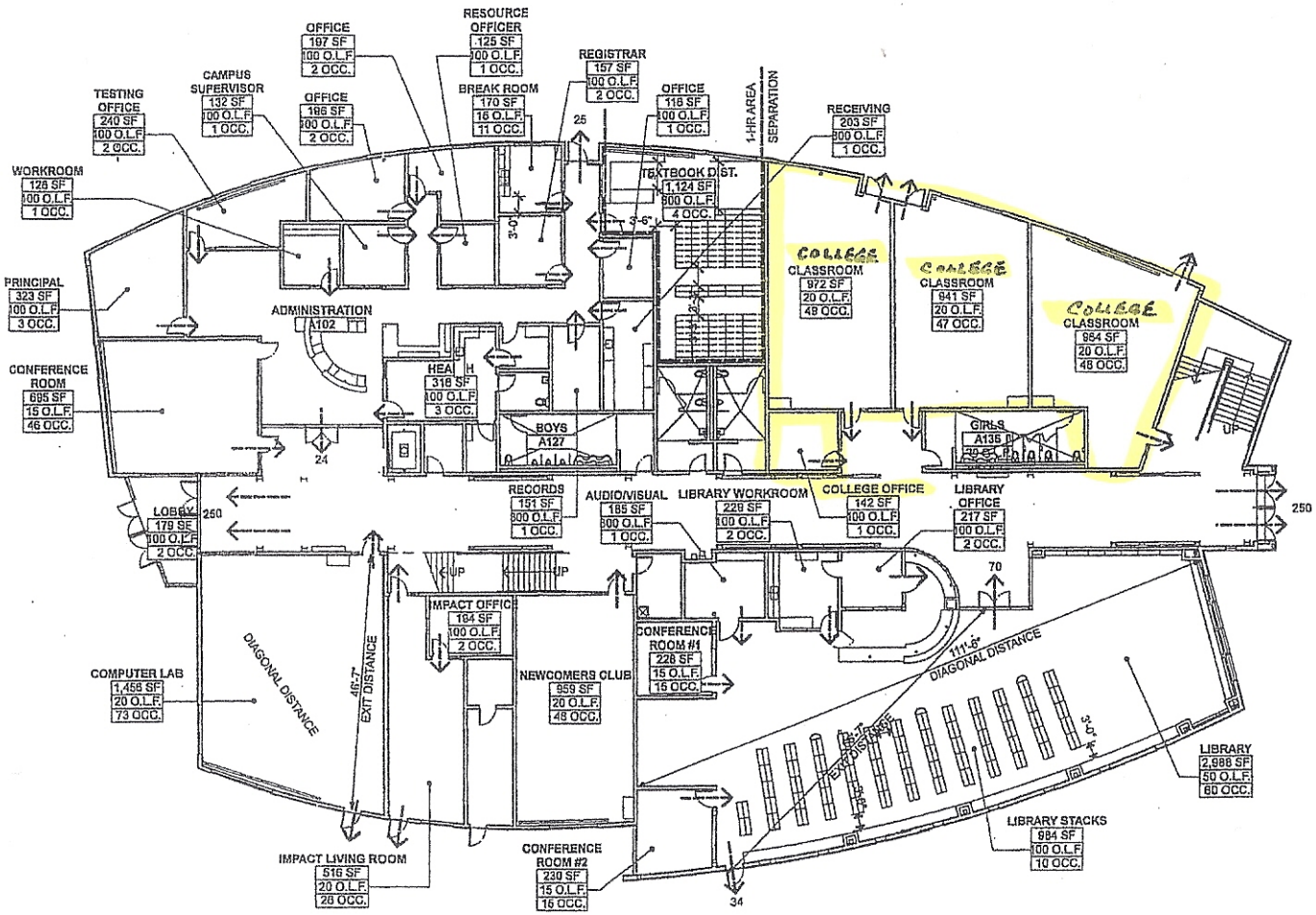
Signature_____ (Seal)



SITE PLAN

AMERICAN CANYON HIGH SCHOOL

10/7/2009, 4:24 PM, BryanC, 727 Site CA.pln



BUILDING A CODE ANALYSIS PLAN - FIRST FLOOR

1/16" = 1'-0"

AMERICAN CANYON HIGH SCHOOL

BUILDING A CODE ANALYSIS

OCCUPANCY: A-1/E-1/B
CONSTRUCTION TYPE: TYPE II-N

FIRE PROOFING REQUIRED ONLY IN WALL, FLOOR ROOF/CEILING ASSEMBLIES AS INDICATED ON DR EXPOSED STRUCTURAL COLUMNS AND BEAMS W CORRIDORS SHALL HAVE A 1-HR FIRE RATING. FF FIRE PROOFING AT EXPOSED CONDITIONS, UON.

WALL TYPE LEGEND

ALL METAL FRAMING IS 6" STUDS, U.O.N. S.S.D. F

- WOOD FRAMING - NON RATED
- WOOD FRAMING - 1 HOUR RAT
- WOOD FRAMING - 1 HOUR OCCUPANCY SEPARATION
- METAL FRAMING - NON RATED
- METAL FRAMING - 1 HOUR RA
- METAL FRAMING - 1 HOUR OCCUPANCY SEPARATION
- METAL FRAMING - 2 HOUR AR
- CMU - NON RATED

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Approval of 2011–12 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) each fiscal year in order for the California Department of Education (CDE) to send funding to LEAs for any or all of the categorical funds contained in the ConApp for which they are eligible. The ConApp is the annual fiscal companion to the LEA Plan. The State Board of Education (SBE) is asked to annually approve the ConApps for more than 1,580 school districts, county offices of education, and direct-funded charter schools.

RECOMMENDATION

The CDE recommends that the SBE approve the 2011–12 ConApps submitted by LEAs in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

Each year, the CDE, in compliance with *California Code of Regulations, Title 5*, Section 3920, recommends that the SBE approve applications for funding Consolidated Categorical Aid Programs submitted by LEAs. Prior to receiving funding, the LEA must also have a SBE-approved LEA Plan that satisfies the SBE's and CDE's criteria for utilizing federal and state categorical funds.

Approximately $2.9 billion of state and federal funding is distributed annually through the ConApp process. The 2011–12 ConApp consists of six federal programs and only one state-funded program. The state funding source is Economic Impact Aid (which is used for State Compensatory Education and/or English learners). The federal funding sources include:

BRIEF HISTORY OF KEY ISSUES (Cont.)

- Title I, Part A Basic Grant (Low Income);
- Title I, Part D (Delinquent);
- Title II, Part A (Teacher Quality);
- Title III, Part A (Immigrant);
- Title III, Part A (Limited English Proficient Students); and
- Title VI, Part B (Rural, Low-Income).

The CDE provides the SBE with two levels of approval recommendations. Regular approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, and has no compliance issues or is making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. Conditional approval is recommended when an LEA has submitted a correct and complete ConApp, Part I, but has one or more noncompliant issues that is/are unresolved for over 365 days. Conditional approval by the SBE provides authority to the LEA to spend its categorical funds under the condition that it will resolve or make significant progress toward resolving noncompliant issues. In extreme cases, conditional approval may include the withholding of funds.

Attachment 1 identifies the LEAs that have no outstanding noncompliant issues or are making satisfactory progress toward resolving one or two noncompliant issues that is/are unresolved for less than 365 days. The CDE recommends regular approval of the 2011–12 ConApp for these 5 LEAs. Attachment 1 also includes ConApp entitlement figures from school year 2010–11 because the figures for 2011–12 have not yet been determined. Fiscal data are absent if an LEA is new or is applying for direct funding for the first time.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

To date, the SBE has approved 2011–2012 ConApps for 1,582 LEAs. Attachment 1 represents the fifth set of 2011–12 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 more than 1,580 LEAs. The cost to track the noncompliant status of LEAs related to programs within the ConApp is covered through a cost pool of federal funds and Economic Impact Aid funds. CDE staff communicates with LEA staff on an ongoing basis to determine the evidence needed to resolve issues, reviews the evidence provided by LEA staff, and maintains a tracking system to document the resolution process.

ATTACHMENT(S)

Attachment 1: Consolidated Applications List (2011–12) - Regular Approvals (1 Page)

Consolidated Applications List (2011–12) – Regular Approvals

The following local educational agencies (LEAs) have submitted a correct and complete ConApp, Part I, and have no compliance issues or are making satisfactory progress toward resolving one or two noncompliant issues that are less than 365 days. The California Department of Education recommends regular approval of these applications.

CD Code	School Code	Local Educational Agency Name	Total 2010–11 ConApp Entitlement	Total Entitlement Per Student	Total 2010–11 Title I Entitlement	2010–11 Entitlement Per Free and Reduced Lunch Student	2010–11 Percent At or Above Proficiency - Language Arts	2010–11 Percent At or Above Proficiency - Math
1964733	0124826	Camino Nuevo Charter Academy #4	$0	$0	$0	$0	0	0
3467439	0123901	Capitol Collegiate Academy	$0	$0	$0	$0	0	0
3968676	0117853	Dr. Lewis Dolphin Stallworth Sr. Charter	$59,842	$421	$56,458	$565	9.3	7.4
1510157	0124040	Grimmway Academy	$0	$0	$0	$0	0	0
3367249	6114748	San Jacinto Valley Academy	$0	$0	$0	$0	43.4	32.6

The 2010–11 targets for elementary and middle schools are 67.6 percent for Language Arts and 68.5 percent for Math.
The 2010–11 targets for high schools are 66.7 percent for Language Arts and 66.1 percent for Math

Total Number of LEAs in the report: 5
Total ConApp entitlement funds for districts receiving regular approval: $59,842

ITEM #25

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Elementary and Secondary Education Act: Approval of Local Educational Agency Plans, Title I, Section 1112.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The Elementary and Secondary Education Act (ESEA) provides federal funding that may be available to local educational agencies (LEAs) [defined as districts, county offices of education, and direct-funded charter schools] for a variety of programs. Currently, only new direct-funded charter schools submit an LEA Plan as part of the application for ESEA funding. California Department of Education (CDE) program staff review LEA Plans for compliance with the requirements of ESEA before recommending approval to the State Board of Education (SBE).

RECOMMENDATION

The CDE recommends that the SBE approve 13 direct-funded charter school LEA Plans listed in Attachment 1.

BRIEF HISTORY OF KEY ISSUES

The federal ESEA Section 1112(e)(2) states that the state educational agency (SEA) shall approve an LEA's Plan if the SEA determines that the LEA's Plan is designed to enable its schools to substantially help children meet the academic standards expected for all children. The approval of an LEA Plan by the local school board and by the SBE is a requirement for receiving federal funding sub-grants for ESEA programs. The LEA Plan includes specific descriptions and assurances as outlined in the provisions included in ESEA.

The purpose of the LEA Plan is to develop an integrated, coordinated set of actions that LEAs will take to ensure that they meet certain programmatic requirements, including student academic services designed to increase student achievement and performance, coordination of services, needs assessments, consultations, school choice, supplemental services, services to homeless students, and others as required.

BRIEF HISTORY OF KEY ISSUES (Cont.)

CDE program staff review LEA Plans for compliance with the requirements of the ESEA including evaluation of goals and activities designed to improve student performance in reading and mathematics; improve programs for English learner students; improve professional development and ensure the provision of highly qualified teachers; ensure that school environments are safe, drug-free, and conducive to learning; and promote efforts regarding graduation rates, dropout prevention, and advanced placement. If an LEA Plan lacks the required information, CDE program staff works with the LEA to ensure the necessary information is included in the LEA Plan before recommending approval.

Following initial CDE review and SBE approval, all LEAs are expected to annually review their Plans and update them as necessary. Any changes to the LEA Plan must be approved by an LEA's local governing board.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Since the current LEA Plan process was developed in July 2003 as a requirement of the ESEA, the SBE has approved 1,628 LEA Plans.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to state operations.

ATTACHMENT(S)

Attachment 1: Direct-Funded Charter Schools Recommended for State Board of Education Approval (1 Page)

Attachment 2: Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans (5 Pages)

Direct-Funded Charter Schools Recommended for State Board of Education Approval

Local Educational Agency Name	County-District-School Code	Academic Performance Data
Academy of Personalized Learning	45-75267-0120170	See Attachment 1
Alliance College-Ready Academy High School #14	19-64733-0123133	None available; opens August 2012
Alliance College-Ready Academy High School #16	19-64733-0123141	None available; opened August 2011
Alliance College-Ready Academy High School #17	19-64733-0124891	None available; opens July 2012
Alliance College-Ready Academy High School #18	19-64733-0124941	None available; opens July 2012
Alliance Technology and Math Science High School	19-64733-0121293	None available; opened August 2011
America's Finest Charter School	37-68338-0124206	None available; opened September 2011
Crescent Valley Public Charter School	54-72140-0123273	See Attachment 2
Crown Ridge Academy	36-67876-0120691	See Attachment 2
Evangeline Roberts Institute of Learning	37-68338-0121145	None available; opened September 2011
Oakland Charter Academy	01-61259-6111660	See Attachment 2
Oakland Charter High School	01-61259-0114868	See Attachment 2
Paragon Collegiate Academy	58-72736-0121632	None available; opened August 2011

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Academy of Personalized Learning CDS CODE: 45-75267-0120170	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (66.7%)	Met 2011 AYP Criteria?	Percent At or Above Proficient (66.1%)	Met 2011 AYP Criteria?	2010 Base API	2011 Growth API	Met 2010–11 Growth API Targets***
Schoolwide	**No, met 13 of 18**	**57.0**	**Yes (SH)**	**42.9**	**Yes (SH)**	**718**	**718**	**Yes**
African American or Black (not of Hispanic origin)		--	--	--	--			
American Indian or Alaska Native		**	**	**	**			
Asian		--	--	--	--			
Filipino		**	**	**	**			
Hispanic or Latino		30.8	**	23.1	**			
Native Hawaiian or Pacific Islander		**	**	**	**			
White (not of Hispanic origin)		60.1	Yes (SH)	45.8	Yes (SH)			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		50.4	Yes (SH)	36.5	Yes (SH)			
English Learners		--	--	--	--			
Students with Disabilities		57.1	**	52.6	**			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.

SH = Passed by safe harbor: The school, LEA, or subgroup met the criteria for safe harbor, which is an alternate method of meeting the Annual Measurable Objective (AMO) if a school, an LEA, or a subgroup shows progress in moving students from scoring at the below proficient level to the proficient level.

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Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Crescent Valley Public Charter School CDS CODE: 54-72140-0123273	Met All Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)**		
		Percent At or Above Proficient (66.7%)	Met 2011 AYP Criteria?	Percent At or Above Proficient (66.1%)	Met 2011 AYP Criteria?	2010 Base API	2011 Growth API	Met 2010–11 Growth API Targets***
Schoolwide	**No, met 3 of 4**	**	**No**	**	**Yes (CI)**	**B**	**B**	**NA**
African American or Black (not of Hispanic origin)		--	--	--	--			
American Indian or Alaska Native		--	--	--	--			
Asian		--	--	--	--			
Filipino		--	--	--	--			
Hispanic or Latino		**	**	**	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		**	**	**	**			
English Learners		--	--	--	--			
Students with Disabilities		--	--	--	--			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.

CI = Passed using confidence intervals: Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores. These schools and LEAs met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEAs with fewer than 11 valid scores have adjusted API criteria to account for the very small number of test scores. These schools and LEAs met the adjusted API criteria using confidence interval methodology.

“B” means the school did not have a valid 2010 Base API and will not have any growth or target information.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Crown Ridge Academy CDS CODE: 36-67876-0120691	Met All Adequate Yearly Progress (AYP) Criteria	**English-Language Arts**		**Mathematics**		**Academic Performance Index (API)**		
		Percent At or Above Proficient (66.7%)	Met 2011 AYP Criteria?	Percent At or Above Proficient (66.1%)	Met 2011 AYP Criteria?	2010 Base API	2011 Growth API	Met 2010–11 Growth API Targets***
Schoolwide	**No, met 2 of 5**	**16.7**	**No**	**0.0**	**No**		**598**	**No**
African American or Black (not of Hispanic origin)		**	**	**	**			
American Indian or Alaska Native		--	--	--	--			
Asian		--	--	--	--			
Filipino		--	--	--	--			
Hispanic or Latino		11.8	**	0.0	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		--	--	--	--			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		16.7	**	0/0	**			
English Learners		11.8	**	0.0	**			
Students with Disabilities		--	--	--	--			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Oakland Charter Academy CDS CODE: 01-61259-6111660	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (67.6%)	Met 2011 AYP Criteria?	Percent At or Above Proficient (68.5%)	Met 2011 AYP Criteria?	2010 Base API	2011 Growth API	Met 2010–11 Growth API Targets***
Schoolwide	**Yes, met 17 of 17**	**78.8**	**Yes**	**89.1**	**Yes**	**953**	**933**	**Yes**
African American or Black (not of Hispanic origin)		**	**	**	**			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		**	**	**	**			
Hispanic or Latino		79.8	Yes	88.4	Yes			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		**	**	**	**			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		78.5	Yes	88.9	Yes			
English Learners		78.5	Yes	88.9	Yes			
Students with Disabilities		--	--	--	--			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.

Academic Performance for Direct-Funded Charter Schools Recommended for State Board of Education Approval of Local Educational Agency Plans

LEA Name: Oakland Charter High School CDS CODE: 01-61259-0114868	Met All Adequate Yearly Progress (AYP) Criteria	English-Language Arts		Mathematics		Academic Performance Index (API)		
		Percent At or Above Proficient (66.7%)	Met 2011 AYP Criteria?	Percent At or Above Proficient (66.1%)	Met 2011 AYP Criteria?	2010 Base API	2011 Growth API	Met 2010–11 Growth API Targets***
Schoolwide	**Yes, met 5 of 5**	**87.1**	**Yes (CI)**	**100.0**	**Yes (CI)**	**961**	**938**	**Yes**
African American or Black (not of Hispanic origin)		--	--	--	--			
American Indian or Alaska Native		--	--	--	--			
Asian		**	**	**	**			
Filipino		**	**	**	**			
Hispanic or Latino		87.0	**	100.0	**			
Native Hawaiian or Pacific Islander		--	--	--	--			
White (not of Hispanic origin)		--	--	--	--			
Two or More Races		--	--	--	--			
Socioeconomically Disadvantaged		88.9	**	100.0	**			
English Learners		**	**	**	**			
Students with Disabilities		--	--	--	--			

-- Indicates no data are available.

** Indicates AYP criteria are not applied because there are too few students in this subgroup to be numerically significant.

***Growth targets are 5 percent difference between the Base API and statewide target of 800. The 2010 API criteria for meeting federal AYP: a minimum “2011 Growth API” score of 710 OR “2010–11 Growth” of at least one point.

CI = Passed using confidence intervals: Small schools and LEAs with fewer than 100 valid scores have adjusted AMOs to account for the small number of test scores. These schools and LEAs met the adjusted percent proficient criteria using a confidence interval methodology. Very small schools and LEAs with fewer than 11 valid scores have adjusted API criteria to account for the very small number of test scores. These schools and LEAs met the adjusted API criteria using confidence interval methodology.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 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.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* sections 47612.5 and 47634.2 specify that a charter school may receive apportionment funding for nonclassroom–based instruction only if a determination of funding is made by the State Board of Education (SBE). The charter schools listed in Attachment 1 are requesting SBE approval of their determination of funding request. Approval of this request will allow the charter schools listed in Attachment 1 to receive apportionment funding.

RECOMMENDATION

California Department of Education Recommendation

Pursuant to *California Code of Regulations*, Title 5 sections 11963.3, 11963.4, and 11963.6, the California Department of Education (CDE) recommends that the SBE approve a determination of funding, identified in Attachment 1, for charter schools that offer nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools met on April 11, 2012, and voted to recommend approval of the determination of funding request for the charter schools identified in Attachment 1. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

Charter schools requesting a determination of full (100 percent) funding meet the following criteria:

- At least 40 percent of the school's public revenues are to be spent on salaries and benefits for all employees who possess a valid teaching certificate.
- At least 80 percent of all revenues are to be spent on instruction and related services.
- The ratio of average daily attendance for independent study pupils to full-time certificated employees does not exceed a pupil-teacher ratio of 25:1.

Additionally, any SBE approved determination of funding shall be in increments of a minimum of two years and a maximum of five years in length.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for approving a determination of funding to establish eligibility for apportionment funding for charter schools that offer nonclassroom-based instruction. The CDE notes that this request is a recurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the charter schools listed in Attachment 1 would receive apportionment funding under the charter school block grant funding model. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation (3 Pages)

Attachment 2: Excerpts from the California *Education Code* and the *California Code of Regulations* with Regard to Determination of Funding Requests (9 Pages)

California Department of Education
Determination of Funding Recommendation

Recommendation – Newly Operational Charter Schools
Fiscal Year 2011–12 through 2012–13

Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
1370	Los Angeles	California Virtual Academy at Los Angeles High School	2011–12	100% 5 Years	100% 2 Years
1371	San Diego	California Virtual Academy at Santa Ysabel	2011–12	100% 5 Years	100% 2 Years
1311	Fresno	National University Academy–Orange Center	2011–12	100% 5 Years	100% 2 Years

Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2016–17

Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
0109	San Diego	Escondido Charter High School	1996–97	100% 5 Years	100% 5 Years
0310	Sonoma	Orchard View Charter School	2000–01	100% 5 Years	100% 5 Years

Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2015–16

Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
0760	Humboldt	Alder Grove Charter School	2006–07	100% 5 Years	100% 4 Years
0015	Placer	Horizon Charter School	1993–94	100% 5 Years	100% 4 Years
0362	Monterey	Learning for Life Charter School	2001–02	100% 5 Years	100% 4 Years
0753	Riverside	River Springs Charter School	2006–07	100% 4 Years	100% 4 Years

Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2015–16 (Cont.)

Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
0399	Lassen	Westwood Charter School	2000–01	100% 4 Years	100% 4 Years
0332	Kern	Valley Oaks Charter School	2000–01	100% 5 Years	100% 4 Years

Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2014–15

Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
1176	El Dorado	American River Charter School	2010–11	100% 3 Years	100% 3 Years
1006	Fresno	Clovis Online Charter School	2009–10	100% 5 Years	100% 3 Years
1269	Tulare	Crescent Valley Public Charter School	2010–11	100% 4 Years	100% 3 Years
1251	Inyo	Golden State Virtual Academy	2010–11	100% 5 Years	100% 3 Years
1024	San Diego	Innovations Academy	2008–09	100% 5 Years	100% 3 Years
1227	Placer	Partnerships for Student-Centered Learning	2010–11	100% 4 Years	100% 3 Years
1266	San Diego	Pivot Charter School-San Diego	2010–11	100% 3 Years	100% 3 Years
1264	San Diego	San Diego Virtual School	2010–11	100% 5 Years	100% 3 Years
1249	Imperial	Imperial Valley Home School Academy	2010–11	100% 5 Years	100% 3 Years
0360	El Dorado	Charter Alternative Program	2010–11	100% 5 Years	100% 3 Years
0149	Fresno	School of Unlimited Learning	1998–99	100% 3 Years	100% 3 Years
0822	Mendocino	La Vida Charter School	2006–07	100% 3 Years	100% 3 Years

Recommendation – Continuing Charter Schools
Fiscal Year 2012–13 through 2013–14

Charter Number	County	School	First Year of Operation	Funding Request	CDE Recommendation
1001	Madera	Madera County Independent Academy	2008–09	100% 2 Years	100% 2 Years

Excerpts from the California *Education Code* and the *California Code of Regulations* with Regard to Determination of Funding Requests

California *Education Code* Section 47612.5
General Requirements

(d)(1) Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (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. The determination for funding shall be subject to any conditions or limitations the State Board of Education may prescribe. The State Board of Education shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the State Board of Education shall be guided by subdivision (l) of Section 47605.

(d)(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. Notwithstanding any provision of law, the State Board of Education may require a charter school to provide updated information at any time it determines that a review of that information is necessary. The State Board of Education may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the charter school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 may not exceed five years.

California *Education Code* Section 47634.2
Nonclassroom-based instruction; funding determinations and allocations

(a)(1) Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction, as defined by paragraph (2) of subdivision (d)

of Section 47612.5, including funding provided on the basis of average daily attendance pursuant to Sections 47613.1, 47633, 47634, and 47664, shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school's total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.

***California Code of Regulations, Title 5* Section 11963.3**
Determination of Funding Request Forms and Calculations
a) For purposes of submitting a determination of funding request, the California Department of Education shall issue a form or set of forms to collect the information specified in this subdivision. Unless otherwise indicated, charter schools submitting a determination of funding request shall complete the form or forms in accordance with the definitions used in the 2005 edition of the California School Accounting Manual (which can be obtained from the California Department of Education web site at: http://www.cde.ca.gov/fg/ac/sa). The form or forms shall be developed by the California Department of Education in consultation with the Advisory Commission on Charter Schools. The form or forms shall include all of the following and, to the extent the form or forms include more than the following, the form or forms shall require the approval of the State Board of Education and comply with applicable provisions of the Administrative Procedure Act.

(1) The name, charter number, authorizing entity, address, contact name and title, telephone number, fax number, and email address, if any, for the charter school.

(2) The percentage requested by the school as its determination of funding.

(3) The number of fiscal years for which the determination of funding is requested, which shall not exceed five years.

(4) The date the charter was initially granted and the date the charter or charter renewal will expire.

(5) For charter schools that operated in the prior fiscal year, all of the following:

(A) The school's total resources, including all federal revenue, with federal Public Charter School Grant Program start-up, implementation, and dissemination grants separately identified; all state revenue; all local revenue with in-lieu property taxes separately identified; other financing sources; and the ending balance from the prior fiscal year.

(B) The school's total expenditures for instruction and related services, by object of expenditure, which shall include all of the following:

1. Activities dealing with the interaction between teaching staff and students, without regard to the instructional location or medium.

2. Services that provide administrative, technical, and logistical support to facilitate and enhance instruction.

3. Services in direct support of students.

4. School-sponsored extra-curricular or co-curricular activities designed to provide motivation and enjoyment and improvement of skills.

5. Instructional materials, supplies, and equipment.

(C) The school's total expenditures for schoolsite and administrative site operations and facilities, by object of expenditure, which shall include all of the following:

1. Activities concerned with securing and keeping open and working the physical plants, grounds, and equipment necessary for the operation of the school.

2. Facility rents, leases, and utilities.

3. Facilities acquisition and construction.

(D) The school's total expenditures for administration and all other activities, by object of expenditure, which shall include all of the following:

1. Activities concerned with establishing and administering policy for operating the entire charter school, such as the governing board, director, and administrative staff.

2. Other general administration activities, such as payroll and accounting services, auditing and legal services, property and liability insurance, personnel, charter-wide telephone service, and data processing services.

3. Supervisorial oversight fees charged by the chartering authority.

4. Other expenditures not reported elsewhere, such as those for community services and enterprise activities and cumulative administrative overhead from related party transactions.

(E) Other outgo and other uses, including debt service payments and transfers.

(F) The excess (or deficiency) of revenues over expenditures calculated by subtracting the total of subparagraphs (B), (C), (D), and (E), from the total resources reported pursuant to subparagraph (A), and a list of the amount of reserves for: facilities acquisition or construction, economic uncertainties, the amount required by the charter-authorizing entity,

or other reserves. Reserves in excess of the greater of fifty-thousand dollars or five percent of total expenditures may be allowed for economic uncertainties or long-term expenditures such as capital projects if the excess reserves are satisfactorily explained pursuant to section 11963.4(b).

(6) For charter schools that did not operate in the prior fiscal year, the revenue and expenditure information required in paragraph (5) shall be provided using reasonable estimates of current-year annualized revenues and expenditures.

(b) In addition to the form or forms prescribed pursuant to subdivision (a), a complete determination of funding request shall also include the following information. Only a determination of funding request that is complete may be acted upon by the State Board of Education.

(1) A certification signed by the charter school's director, principal, or governing board chairperson of the following:

(A) That the information provided is true and correct to the best of the ability and knowledge of the individual authorized to do so by the charter school's governing board.

(B) That the charter school's nonclassroom-based instruction is conducted for and substantially dedicated to the instructional benefit of the school's students.

(C) That the governing board of the charter school has adopted and implements conflict of interest policies.

(D) That all of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services, and considerations rendered for or supplied to the school.

(2) The charter school's pupil-teacher ratio as calculated pursuant to title 5, section 11704 of the California Code of Regulations.

(3) A listing of entities that received in the previous fiscal year (or will receive in the current fiscal year) $50,000 or more or 10 percent or more of the charter school's total expenditures identified pursuant to subparagraphs (B), (C), (D), and (E) of paragraph (5) of subdivision (a), the amount received by each entity; whether each of the contract payments is based on specific services rendered or upon an amount per unit of average daily attendance or some other percentage; and an identification of which entities, if any, have contract payments based on a per unit average daily attendance amount or some other percentage.

(4) An identification of the members comprising the charter school's governing board (i.e., parent, teacher, etc.) and a description of how those members were selected; whether the governing board has adopted and implemented conflict of interest policies and procedures;

and whether any of the governing board members are affiliated in any way with any of the entities reported pursuant to paragraph (3) and if so, how.

(5) An explanation of all transfers reported pursuant to subparagraph (E) of paragraph (5) of subdivision (a).

(6) A list and the amount of each of the other reserves reported pursuant to subparagraph (F) of paragraph (5) of subdivision (a).

(7) To the extent that a charter school desires to have facility costs considered as an instructional cost, the total annual facility-related and operational cost, total facility square footage occupied by the charter school, total classroom-based average daily attendance (if applicable) as reported at the prior-year second principal apportionment, and the total student hours attended by nonclassroom-based pupils at the school site shall be provided.

(8) The number of full-time equivalent employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing and who work in the charter school in a position required to provide direct instruction or direct instructional support to students. For purposes of these regulations, “direct instructional support” includes, but is not limited to, activities that are directly related to student instruction that are performed by qualified certificated persons such as curriculum coordinators, individualized education plan coordinators, librarians, counselors, psychologists, and nurses.

(c) The California Department of Education shall perform the following using the resource and expenditure data provided pursuant to subdivision (a).

(1) A calculation showing the charter school's total expenditures for salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students) as a percentage of the school's total public revenues. For the purposes of this subdivision:

(A) “Employees” shall include special education teachers who possess a valid teaching certificate, permit, or other document equivalent to that which special education teachers in non-charter public schools would be required to hold issued by the Commission on Teacher Credentialing, and who provide direct instruction or direct instructional support to pupils of the charter school pursuant to a contract with a public or private entity.

(B) “Employees” shall include individuals who possess a valid certificate, permit, or other document equivalent to that which the individuals would be required to possess in a non-charter public school, issued by the Commission on Teacher Credentialing, and who are employed by a local education agency (LEA), provided all of the following conditions are met: the LEA is the employer of all the charter school's staff; the governing board of the

LEA is the governing authority for the charter school (i.e., the charter school is not a corporate entity separate from the LEA); and the LEA's employees are assigned exclusively to work at the charter school providing direct instruction or direct instructional support to students or, to the extent that the LEA's employees are assigned to work at the charter school on a part-time basis, the charter school pays for the services rendered by the employee providing direct instruction or direct instructional support to students on a documented, fee-for-service basis and not, for example, on the basis of a fixed annual amount, fixed percentage of average daily attendance revenue, or other basis that is not related to documented services actually rendered to the charter school. Under no circumstances shall certificated employees of an LEA be considered employees of a charter school for purposes of this subparagraph unless the charter school pays for the services rendered by the LEA's employees on a documented, fee-for-service basis.

(C) For purposes of this section, “employee” also means qualified persons that provide direct instruction or direct instructional support, that are hired directly by the charter school through an employment services contract based on a documented, fee-for-service basis.

(D) The school's total public revenue is based on the amounts reported pursuant to subparagraph (A) of paragraph (5) of subdivision (a) and equals the sum of: all federal revenue, less any Public Charter School Grant Program start-up, implementation, and dissemination grant funds; state revenue; and local revenue from in-lieu property taxes.

(2) A calculation showing the charter school's total expenditures on instruction and related services as a percentage of the school's total revenues. For the purposes of this subdivision, the school's total revenues do not include the ending balance from the prior fiscal year.

***California Code of Regulations, Title 5* Section 11963.4**
Evaluation of Determination of Funding Requests Regarding Nonclassroom-Based Instruction

(a) When a complete determination of funding request is received from a charter school, it shall be reviewed by the California Department of Education and presented to the Advisory Commission on Charter Schools, along with credible information pertaining to the request obtained from any other source. The Advisory Commission shall develop a recommendation pursuant to this section to the State Board of Education regarding the request, and that recommendation shall be presented to the State Board of Education by the California Department of Education. The following criteria shall guide the process of reviewing and developing a recommendation on the request. The California Department of Education shall report any difference of opinion between the California Department of Education and the Advisory Commission as to the recommendation presented to the State Board of Education.

(1) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals at least 35 percent but less than 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 60 percent but less than 70 percent, the Advisory Commission on Charter Schools shall recommend to

the State Board of Education approval of the request at 70 percent, unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(2) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 70 percent but less than 80 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying a percentage that is greater than 70 percent and, if the recommended percentage is lower than the requested percentage, the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(3) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals or exceeds 80 percent, and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1 or the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 100 percent (i.e. full funding), unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(4) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 is less than 35 percent, or the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 is less than 60 percent, then the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students, and the Advisory Commission on Charter Schools shall recommend that the State Board of Education deny the request, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying the denial and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school. Denial of a determination of funding request by the State Board of Education shall result in no funding being apportioned for average daily attendance identified by the charter school as being generated through nonclassroom-based instruction pursuant to Education Code section 47634.2(c).

(5) Any request for a funding determination received prior to the effective date of these regulations will be reviewed pursuant to the criteria in effect at the time of submittal.

(b) The Advisory Commission on Charter Schools and/or the California Department of Education may ask the charter school to provide additional information in order to make possible a more detailed review or to develop a reasonable basis for a recommendation other than those prescribed in subdivision (a). With the consent of the Superintendent of Public Instruction, the request for additional information shall be considered a reasonable inquiry to which the charter school must respond pursuant to Education Code section 47604.3.

(c) Any multi-year funding determination approved by the State Board of Education may be modified by the State Board of Education, in terms of both the multi-year approval and the percentage of funding authorized, if any information that may change the conclusion to approve the original multi-year funding determination is found.
(d) Prior to a recommendation by the Advisory Commission on Charter Schools (that a determination of funding request be denied or approved at a percentage lower than that requested) being forwarded to the State Board of Education, the affected charter school shall be given thirty (30) calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the Advisory Commission may modify its recommendation to the State Board.

(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.

***California Code of Regulations, Title 5* Section 11963.6**
Submission and Action on Determination of Funding Requests Regarding Nonclassroom-Based Instruction
(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school's

actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.

(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.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Consideration of Requests for Determination of Funding for Prior Years as Required for Nonclassroom-based Charter Schools Pursuant to California *Education Code* sections 47612.5 and 47634.2, and *California Code of Regulations Title 5* Section 11963.4(c).	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

California *Education Code* (*EC*) sections 47612.5 and 47634.2 specifies that a charter school may receive apportionment funding for nonclassroom-based instruction only if a determination for funding is made by the State Board of Education (SBE). Additionally, the SBE may modify a previously approved determination of funding if the SBE finds that such action is warranted pursuant to *California Code of Regulations Title 5* (*5 CCR*) Section 11963.4(c). The charter school listed in Attachment 1 is requesting the SBE to modify their previously approved determination of funding. Approval of this request by the SBE will allow the California Department of Education (CDE) to recover the overpayment of apportionment funds previously made to the charter school.

RECOMMENDATION

California Department of Education Recommendation

Pursuant to *California Code of Regulations*, Title 5 sections 11963.3 and 11963.4, the CDE recommends that the SBE approve a determination of funding, identified in Attachment 1, for a charter school that offers nonclassroom-based instruction.

Advisory Commission on Charter Schools Recommendation

The Advisory Commission on Charter Schools met on April 11, 2012, and voted to recommend approval of the determination of funding request for the charter school identified in Attachment 1. The motion passed unanimously.

BRIEF HISTORY OF KEY ISSUES

The nonclassroom-based charter school listed in Attachment 1 is requesting the modification of a previously approved determination of funding.

A charter school may receive a finding as a result of an audit or review that identifies a necessary change to the school's information that is required in the determination of the funding level for the charter school. If this occurs, the charter school must submit a revised request for determination of funding for the fiscal year with the audit finding.

A limited-scope review ('audit') was conducted by MGT of America, Inc. (MGT) of the GLC for fiscal years 2003–04 through 2005–06. MGT found that the GLC incorrectly categorized expenditures and excluded revenues that it was required to report in its determination of funding request and that it qualified for no more than an 85 percent determination of funding. Consequently, the GLC did not meet the requirements for the 100 percent funding determination it received for fiscal years 2004–05 and 2005–06 and, as a result, received an overpayment of apportionment funds. Additionally, as a result of the audit, the school was required to submit a revised determination of funding request for fiscal years 2004–05 and 2005–06 for reconsideration by the SBE.

Pursuant to *5 CCR* Section 11963.4(c), the SBE may modify a previously approved determination of funding if any information is found that may change the conclusion to approve the original determination of funding. Based on the MGT audit and pursuant to *5 CCR* sections 11963.4(a)(2) and 11963.4(c), the CDE finding is that the GLC meets the criteria for a proposed recommendation to modify the previously approved determination of funding of 100 percent to 85 percent. Specifically, the GLC's redetermination of funding request reflects at least 40 percent of the school's public revenues spent on salaries and benefits for all employees who possess a valid teaching certificate, and at least 70 percent, but less than 80 percent, of the school's revenues spent on instruction and related services. The proposed recommendation is for the 2004–05 and 2005–06 fiscal years. Approval of the request by the SBE will allow CDE to recover the overpayment of apportionment funds previously made to the GLC.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

At its May 2005 meeting, the SBE approved a 100 percent, two-year (2004–05 and 2005–06) determination of funding for the Gorman Learning Center (GLC) (# 0285).

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 nonrecurring action item for the SBE.

FISCAL ANALYSIS (AS APPROPRIATE)

If approved, the CDE would recover an overpayment of apportionment funds under the charter school block grant funding model for the charter school listed in Attachment 1. Funding is based on the statewide average funding levels for each grade span (kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through twelve). Calculations use revenue limits for unified, elementary, and high school districts.

ATTACHMENTS

Attachment 1: California Department of Education Determination of Funding Recommendation (1 Page)

Attachment 2: Excerpts from the California *Education Code* and the *California Code of Regulations* with Regard to Determination of Funding Requests (9 Pages)

Attachment 3: Resubmission Request for Gorman Learning Center (6 Pages)

California Department of Education
Determination of Funding Recommendation

Recommendation – Continuing Charter School
Fiscal Year 2004–05 through 2005–06

Charter Number	County	Charter School	CDE Recommendation
0285	Los Angeles	Gorman Learning Center	85% 2 Years

Excerpts from the California *Education Code* and the *California Code of Regulations* with Regard to Determination of Funding Requests

California *Education Code* Section 47612.5
General Requirements

(d)(1) Notwithstanding any other provision of law and except as provided in paragraph (1) of subdivision (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. The determination for funding shall be subject to any conditions or limitations the State Board of Education may prescribe. The State Board of Education shall adopt regulations on or before February 1, 2002, that define and establish general rules governing nonclassroom-based instruction that apply to all charter schools and to the process for determining funding of nonclassroom-based instruction by charter schools offering nonclassroom-based instruction other than the nonclassroom-based instruction allowed by paragraph (1) of subdivision (e). Nonclassroom-based instruction includes, but is not limited to, independent study, home study, work study, and distance and computer-based education. In prescribing any conditions or limitations relating to the qualifications of instructional personnel, the State Board of Education shall be guided by subdivision (l) of Section 47605.

(d)(2) Except as provided in paragraph (2) of subdivision (b) of Section 47634.2, a charter school that receives a determination pursuant to subdivision (b) of Section 47634.2 is not required to reapply annually for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. A charter school that has achieved a rank of 6 or greater on the Academic Performance Index for the two years immediately prior to receiving a funding determination pursuant to subdivision (b) of Section 47634.2 shall receive a five-year determination and is not required to annually reapply for a funding determination of its nonclassroom-based instruction program if an update of the information the State Board of Education reviewed when initially determining funding would not require material revision, as that term is defined in regulations adopted by the board. Notwithstanding any provision of law, the State Board of Education may require a charter school to provide updated information at any time it determines that a review of that information is necessary. The State Board of Education may terminate a determination for funding if updated or additional information requested by the board is not made available to the board by the charter school within a reasonable amount of time or if the information otherwise supports termination. A determination for funding pursuant to Section 47634.2 may not exceed five years.

California *Education Code* Section 47634.2
Nonclassroom-based instruction; funding determinations and allocations

(a)(1) Notwithstanding any other provision of law, the amount of funding to be allocated to a charter school on the basis of average daily attendance that is generated by pupils engaged in nonclassroom-based instruction, as defined by paragraph (2) of subdivision (d)

of Section 47612.5, including funding provided on the basis of average daily attendance pursuant to Sections 47613.1, 47633, 47634, and 47664, shall be adjusted by the State Board of Education. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction, at a minimum the regulation shall specify that the nonclassroom-based instruction is conducted for the instructional benefit of the pupil and substantially dedicated to that function. In developing these criteria and determining the amount of funding to be allocated to a charter school pursuant to this section, the State Board of Education shall consider, among other factors it deems appropriate, the amount of the charter school's total budget expended on certificated employee salaries and benefits and on schoolsites, as defined in paragraph (3) of subdivision (d) of Section 47612.5, and the teacher-to-pupil ratio in the school.

***California Code of Regulations, Title 5* Section 11963.3**
Determination of Funding Request Forms and Calculations
a) For purposes of submitting a determination of funding request, the California Department of Education shall issue a form or set of forms to collect the information specified in this subdivision. Unless otherwise indicated, charter schools submitting a determination of funding request shall complete the form or forms in accordance with the definitions used in the 2005 edition of the California School Accounting Manual (which can be obtained from the California Department of Education web site at: http://www.cde.ca.gov/fg/ac/sa). The form or forms shall be developed by the California Department of Education in consultation with the Advisory Commission on Charter Schools. The form or forms shall include all of the following and, to the extent the form or forms include more than the following, the form or forms shall require the approval of the State Board of Education and comply with applicable provisions of the Administrative Procedure Act.

(1) The name, charter number, authorizing entity, address, contact name and title, telephone number, fax number, and email address, if any, for the charter school.

(2) The percentage requested by the school as its determination of funding.

(3) The number of fiscal years for which the determination of funding is requested, which shall not exceed five years.

(4) The date the charter was initially granted and the date the charter or charter renewal will expire.

(5) For charter schools that operated in the prior fiscal year, all of the following:

(A) The school's total resources, including all federal revenue, with federal Public Charter School Grant Program start-up, implementation, and dissemination grants separately identified; all state revenue; all local revenue with in-lieu property taxes separately identified; other financing sources; and the ending balance from the prior fiscal year.

(B) The school's total expenditures for instruction and related services, by object of expenditure, which shall include all of the following:

1. Activities dealing with the interaction between teaching staff and students, without regard to the instructional location or medium.

2. Services that provide administrative, technical, and logistical support to facilitate and enhance instruction.

3. Services in direct support of students.

4. School-sponsored extra-curricular or co-curricular activities designed to provide motivation and enjoyment and improvement of skills.

5. Instructional materials, supplies, and equipment.

(C) The school's total expenditures for schoolsite and administrative site operations and facilities, by object of expenditure, which shall include all of the following:

1. Activities concerned with securing and keeping open and working the physical plants, grounds, and equipment necessary for the operation of the school.

2. Facility rents, leases, and utilities.

3. Facilities acquisition and construction.

(D) The school's total expenditures for administration and all other activities, by object of expenditure, which shall include all of the following:

1. Activities concerned with establishing and administering policy for operating the entire charter school, such as the governing board, director, and administrative staff.

2. Other general administration activities, such as payroll and accounting services, auditing and legal services, property and liability insurance, personnel, charter-wide telephone service, and data processing services.

3. Supervisorial oversight fees charged by the chartering authority.

4. Other expenditures not reported elsewhere, such as those for community services and enterprise activities and cumulative administrative overhead from related party transactions.

(E) Other outgo and other uses, including debt service payments and transfers.

(F) The excess (or deficiency) of revenues over expenditures calculated by subtracting the total of subparagraphs (B), (C), (D), and (E), from the total resources reported pursuant to subparagraph (A), and a list of the amount of reserves for: facilities acquisition or construction, economic uncertainties, the amount required by the charter-authorizing entity,

or other reserves. Reserves in excess of the greater of fifty-thousand dollars or five percent of total expenditures may be allowed for economic uncertainties or long-term expenditures such as capital projects if the excess reserves are satisfactorily explained pursuant to section 11963.4(b).

(6) For charter schools that did not operate in the prior fiscal year, the revenue and expenditure information required in paragraph (5) shall be provided using reasonable estimates of current-year annualized revenues and expenditures.

(b) In addition to the form or forms prescribed pursuant to subdivision (a), a complete determination of funding request shall also include the following information. Only a determination of funding request that is complete may be acted upon by the State Board of Education.

(1) A certification signed by the charter school's director, principal, or governing board chairperson of the following:

(A) That the information provided is true and correct to the best of the ability and knowledge of the individual authorized to do so by the charter school's governing board.

(B) That the charter school's nonclassroom-based instruction is conducted for and substantially dedicated to the instructional benefit of the school's students.

(C) That the governing board of the charter school has adopted and implements conflict of interest policies.

(D) That all of the charter school's transactions, contracts, and agreements are in the best interest of the school and reflect a reasonable market rate for all goods, services, and considerations rendered for or supplied to the school.

(2) The charter school's pupil-teacher ratio as calculated pursuant to title 5, section 11704 of the California Code of Regulations.

(3) A listing of entities that received in the previous fiscal year (or will receive in the current fiscal year) $50,000 or more or 10 percent or more of the charter school's total expenditures identified pursuant to subparagraphs (B), (C), (D), and (E) of paragraph (5) of subdivision (a), the amount received by each entity; whether each of the contract payments is based on specific services rendered or upon an amount per unit of average daily attendance or some other percentage; and an identification of which entities, if any, have contract payments based on a per unit average daily attendance amount or some other percentage.

(4) An identification of the members comprising the charter school's governing board (i.e., parent, teacher, etc.) and a description of how those members were selected; whether the governing board has adopted and implemented conflict of interest policies and procedures;

and whether any of the governing board members are affiliated in any way with any of the entities reported pursuant to paragraph (3) and if so, how.

(5) An explanation of all transfers reported pursuant to subparagraph (E) of paragraph (5) of subdivision (a).

(6) A list and the amount of each of the other reserves reported pursuant to subparagraph (F) of paragraph (5) of subdivision (a).

(7) To the extent that a charter school desires to have facility costs considered as an instructional cost, the total annual facility-related and operational cost, total facility square footage occupied by the charter school, total classroom-based average daily attendance (if applicable) as reported at the prior-year second principal apportionment, and the total student hours attended by nonclassroom-based pupils at the school site shall be provided.

(8) The number of full-time equivalent employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing and who work in the charter school in a position required to provide direct instruction or direct instructional support to students. For purposes of these regulations, “direct instructional support” includes, but is not limited to, activities that are directly related to student instruction that are performed by qualified certificated persons such as curriculum coordinators, individualized education plan coordinators, librarians, counselors, psychologists, and nurses.

(c) The California Department of Education shall perform the following using the resource and expenditure data provided pursuant to subdivision (a).

(1) A calculation showing the charter school's total expenditures for salaries and benefits for all employees who possess a valid teaching certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold issued by the Commission on Teacher Credentialing (and who work in the charter school in a position required to provide direct instruction or direct instructional support to students) as a percentage of the school's total public revenues. For the purposes of this subdivision:

(A) “Employees” shall include special education teachers who possess a valid teaching certificate, permit, or other document equivalent to that which special education teachers in non-charter public schools would be required to hold issued by the Commission on Teacher Credentialing, and who provide direct instruction or direct instructional support to pupils of the charter school pursuant to a contract with a public or private entity.

(B) “Employees” shall include individuals who possess a valid certificate, permit, or other document equivalent to that which the individuals would be required to possess in a non-charter public school, issued by the Commission on Teacher Credentialing, and who are employed by a local education agency (LEA), provided all of the following conditions are met: the LEA is the employer of all the charter school's staff; the governing board of the

LEA is the governing authority for the charter school (i.e., the charter school is not a corporate entity separate from the LEA); and the LEA's employees are assigned exclusively to work at the charter school providing direct instruction or direct instructional support to students or, to the extent that the LEA's employees are assigned to work at the charter school on a part-time basis, the charter school pays for the services rendered by the employee providing direct instruction or direct instructional support to students on a documented, fee-for-service basis and not, for example, on the basis of a fixed annual amount, fixed percentage of average daily attendance revenue, or other basis that is not related to documented services actually rendered to the charter school. Under no circumstances shall certificated employees of an LEA be considered employees of a charter school for purposes of this subparagraph unless the charter school pays for the services rendered by the LEA's employees on a documented, fee-for-service basis.

(C) For purposes of this section, “employee” also means qualified persons that provide direct instruction or direct instructional support, that are hired directly by the charter school through an employment services contract based on a documented, fee-for-service basis.

(D) The school's total public revenue is based on the amounts reported pursuant to subparagraph (A) of paragraph (5) of subdivision (a) and equals the sum of: all federal revenue, less any Public Charter School Grant Program start-up, implementation, and dissemination grant funds; state revenue; and local revenue from in-lieu property taxes.

(2) A calculation showing the charter school's total expenditures on instruction and related services as a percentage of the school's total revenues. For the purposes of this subdivision, the school's total revenues do not include the ending balance from the prior fiscal year.

***California Code of Regulations, Title 5* Section 11963.4**
Evaluation of Determination of Funding Requests Regarding Nonclassroom-Based Instruction

(a) When a complete determination of funding request is received from a charter school, it shall be reviewed by the California Department of Education and presented to the Advisory Commission on Charter Schools, along with credible information pertaining to the request obtained from any other source. The Advisory Commission shall develop a recommendation pursuant to this section to the State Board of Education regarding the request, and that recommendation shall be presented to the State Board of Education by the California Department of Education. The following criteria shall guide the process of reviewing and developing a recommendation on the request. The California Department of Education shall report any difference of opinion between the California Department of Education and the Advisory Commission as to the recommendation presented to the State Board of Education.

(1) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals at least 35 percent but less than 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 60 percent but less than 70 percent, the Advisory Commission on Charter Schools shall recommend to

the State Board of Education approval of the request at 70 percent, unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(2) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, and the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals at least 70 percent but less than 80 percent, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 85 percent, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying a percentage that is greater than 70 percent and, if the recommended percentage is lower than the requested percentage, the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(3) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 equals or exceeds 40 percent, the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 equals or exceeds 80 percent, and the ratio of average daily attendance for independent study pupils to full-time certificated employees responsible for independent study does not exceed a pupil-teacher ratio of 25:1 or the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the largest unified school district, as measured by average daily attendance, in the county or counties in which the charter school operates, the Advisory Commission on Charter Schools shall recommend to the State Board of Education approval of the request at 100 percent (i.e. full funding), unless there is a reasonable basis to recommend otherwise. If the recommended percentage is lower than the requested percentage, the recommendation to the State Board shall include the reasons justifying the reduction and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school.

(4) If the percentage calculated pursuant to paragraph (1) of subdivision (c) of section 11963.3 is less than 35 percent, or the percentage calculated pursuant to paragraph (2) of subdivision (c) of section 11963.3 is less than 60 percent, then the charter school's nonclassroom-based instruction is not substantially dedicated to the instructional benefit of the students, and the Advisory Commission on Charter Schools shall recommend that the State Board of Education deny the request, unless there is a reasonable basis to recommend otherwise. The recommendation to the State Board shall include the reasons justifying the denial and, if appropriate, describe how any deficiencies or problems may be addressed by the charter school. Denial of a determination of funding request by the State Board of Education shall result in no funding being apportioned for average daily attendance identified by the charter school as being generated through nonclassroom-based instruction pursuant to Education Code section 47634.2(c).

(5) Any request for a funding determination received prior to the effective date of these regulations will be reviewed pursuant to the criteria in effect at the time of submittal.

(b) The Advisory Commission on Charter Schools and/or the California Department of Education may ask the charter school to provide additional information in order to make possible a more detailed review or to develop a reasonable basis for a recommendation other than those prescribed in subdivision (a). With the consent of the Superintendent of Public Instruction, the request for additional information shall be considered a reasonable inquiry to which the charter school must respond pursuant to Education Code section 47604.3.

(c) Any multi-year funding determination approved by the State Board of Education may be modified by the State Board of Education, in terms of both the multi-year approval and the percentage of funding authorized, if any information that may change the conclusion to approve the original multi-year funding determination is found.
(d) Prior to a recommendation by the Advisory Commission on Charter Schools (that a determination of funding request be denied or approved at a percentage lower than that requested) being forwarded to the State Board of Education, the affected charter school shall be given thirty (30) calendar days in which to amend its determination of funding request and/or to provide additional information in support of the request. Based upon consideration of the amended request or any additional information that may be provided, the Advisory Commission may modify its recommendation to the State Board.

(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.

***California Code of Regulations, Title 5* Section 11963.6**
Submission and Action on Determination of Funding Requests Regarding Nonclassroom-Based Instruction
(a) An approved determination of funding for a new charter school in its first year of operation shall be submitted by December 1 and shall be for two fiscal years. Within 90 days after the end of its first fiscal year of operation, a charter school shall submit unaudited actual expense reports and a funding determination form based on the school's

actual second-year budget. If the Advisory Commission on Charter Schools determines that the actual expenditures of the charter school or the second year funding determination form do not support the funding determination for the second year, the Advisory Commission on Charter Schools shall recommend that the State Board of Education revise the funding determination.

(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.

GORMAN
LEARNING CENTER
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909-307-6312 · 909-793-5964 (fax)

TO: Charter School Division
Audit Division
Advisory Commission for Charter Schools

FROM: Cecelia J. Cummings, Director of Operations

RE: Resubmission of 2004-05 SB740 Non-classroom Based Funding Determination

DATE: June 29, 2011

The Gorman Learning Center hereby submits the revision of its 2004-05 SB 740 Non-classroom Based Funding Determination to the Charter School Division, Advisory Commission for Charter Schools, and the State Board of Education for reconsideration at its next meeting.

In March of 2007, MGT of America ("MGT") released its report of the audit it performed of the Gorman Learning Center ("MGT Report"). The MGT Report included findings against Gorman Learning Center ("GLC") for information contained in their 2004-2005 SB740 Funding Determination.[1] This funding determination was approved on March 14, 2005 for two years. MGT's calculations alleged that GLC should have qualified for no more than 85% funding for 2004-05 and 2005-06. The primary support for the exception was GLC's lack of supporting documentation for the figures in the original funding determination report. The MGT Report alleged that $700,239 of revenues was not included in the 2004-2005 funding determination, as well alleging that instructional and related services expenditures were over-claimed. The MGT Report then alleged that GLC should only have qualified for 85% funding.

After MGT presented the MGT Report to the Los Angeles County Office of Education ("LACOE") on April 11, 2007, GLC responded that it would be resubmitting its 2003-2004, 2004-2005 and 2005-2006 SB740 Funding Determination to the State Board of Education for reconsideration. At that time, GLC noted that all allowable expenditures and supporting documentation would be presented to an independent audit firm for review of its SB740 resubmissions.

In order to ensure the most accurate review, GLC prepared its Revised 2004-2005 SB 740 Funding Determination with sufficient backup worksheets to allow the document to be

[1] In October of 2008, GLC resubmitted its 2003-2004 funding determination to the State Board of Education for reconsideration. The SBE's reconsideration awarded GLC 100% funding for 2003-2004. Please see GLC's 2003-2004 resubmission for additional information.

reviewed by auditing firm Vavrinek, Trine, Day & Co., LLP ("VTD"). GLC engaged VTD to review and evaluate the revised 2003-2004, 2004-2005 and 2005-2006 SB 740 Funding Determinations as prepared by GLC. VTD had no previous engagements with GLC for any audit or other services for any of the years since GLC began operations in February 2000.

The Revised 2004-2005 SB 740 Funding Determination worksheets were prepared by GLC from the 2003-2004 detailed general ledger to identify each expense based on the functions and objects as outlined by the California School Accounting Manual ("CSAM") and the Standardized Account Code Structure ("SACS"). This is where GLC was able to substantiate the changes in the figures for the line items on the Revised 2004-2005 SB 740 Funding Determination. As noted, the function assisted GLC in identifying more specifically whether an expenditure was instructional or administrative. Because GLC used a line by line detail to allocate the expenditures into Part II, Section B of the funding determination, GLC is more confident that it is presenting an accurate and complete Revised SB 740 Funding Determination. In addition, VTD tested backup documents for both the revenues and expenditures calculation in order to assure that the expenditures were properly recorded for the Revised 2004-2005 SB 740 Funding Determination. GLC then presented this funding determination revision to VTD, which tested backup documents for both the revenues and expenditures calculation in order to prepare their final report and recommendations for the revised SB 740 Funding Determination Form for 2003-2004. Attached as Exhibit A, please find a copy of the VTD Final Report.

As noted in the VTD Final Report, VTD is confident that the calculations contained in the Revised SB 740 Funding Determination reflect the calculations of the audited financial statements from the same fiscal year.

Changes and the Effects from the Original SB740 for the Resubmission of the SB 740 2004-2005.

Although the MGT Report claimed that there was a lack of documentation to support GLC's SB 740 funding application, GLC did in fact maintain sufficient documentation to determine that the figures on the original SB740 funding determination were calculated based only on object code. Based on these calculations, originally, GLC did not apportion expenses such as salaries and benefits to administration. In addition, the original 2004-2005 SB 740 funding determination did not include the audit adjustments recommended by the independent auditors for the year ending June 30, 2004.

The revised 2004-2005 SB 740 Funding Determination includes the following changes from the original 2004-2005 SB 740 funding determination:

- **State Revenues**

  State revenues increased by $34,567 (from $7,145,751 to $7,180,318) to include the audit adjustment from the year ending June 30, 2004 independent financial audit report by Vicenti Lloyd & Stutzman, LLP (VLS) for staff development revenues. Attached is Exhibit B identifying the Adjusting Journal Entry Report from VLS and the adjustments necessary to be made for the fiscal year ending June 30, 2004.

- **Local Revenues**

Local revenues increased by $665,672 (from $1,691,830 to $2,357,502). This reflects the inclusion of the special education revenues described herein. Specifically, in the June 30, 2004 Independent Financial Audit of GLC, prepared by Vicenti Lloyd and Stutzman, LLP ("VLS Report"), there is a prior year restatement of $337,970 reflecting the overstatement of special education revenue in the prior year (2002-2003) (while MGT reported that GLC received $839,113 in special education monies that should have been included in GLC's revenues, in fact GLC never received $337,970 of those special education funds). This overstatement was reversed out in the 2003-04 year due to unsubstantiated special education costs. However, the higher amount of $350,742 was included in GLC's revenues by the MGT auditors; documentation of this reduction is journal entry JV-04-037, prepared on January 28, 2004 and reversing $350,742.00 for the prior year correction of special education receivables. Attached as Exhibit C, please find a copy of Journal Entry JV-04-037. In addition, there were several audit adjustments that were not included in the financials reported on the original SB740 Funding Determination as identified on the VLS Adjusting Journal Entry Report Exhibit B.

- **Instructional Salaries and Benefits**

Certificated salaries and benefits expenditures decreased by $660,131 (from $5,388,773 to $4,728,642), as a result of moving the allocation of a portion of the administration salaries and benefits out of instructional to administrative and moving the costs associated with special education providers from salaries to instruction support contracts.

Classified salaries and benefits expenditures decreased by $270,861 (from $591,359 to $320,498) which as with the certificated salaries and benefits allocated the costs of the office and administration out of instructional to administrative.

- **Instructional Books, Supplies and Equipment**

Books and supplies expenditures decreased by $192,479 (from $1,074,774 to $882,295) as a result of a detailed review of the general ledger by both object and function to clearly identify whether specific costs were instructional, operating or administrative, as well as moving certain costs from books & supplies to services for instructional service contracts. In addition, the audit adjustment for textbook accruals as identified on the Adjusting Journal Entries (Exhibit C) was not recorded for the year ending June 30, 2004.

- **Contracts for Instructional Services**

Instructional service contracts expenditures decreased by $54,994 (from $150,960 to $95,966) as a result of a detailed review of the general ledger by both object and function to clearly identify whether specific costs were instructional, operating or administrative, as well as from moving certain books & supplies costs to the services category. The original figure of $150,960 corresponded to the depreciation costs on the financials and was reported on the original SB740 Funding Determination as an instructional services contract, when the expenditure should have been reported as an administrative expense.

- **Contracts for Instructional Support**

Instructional support contracts expenditures increased by $465,635 (from $172,643 to $638,278) as a result of moving special education provider contracts from the instructional certificated salaries and benefits category to the instruction support contracts category.

- **Instruction Related Operating Costs**

Instructional-related operating costs decreased $132,154 (from $227,519 to $95,365) as the result of moving costs that should previously have been allocated by function to administrative services and operating costs.

- **Operations and Facilities Classified Salaries & Benefits**

Classified operations salaries and benefits expenditures increased by $55,513 to include the support costs from the staff for maintenance, janitorial and warehouse staff.

- **Operations Books, Supplies and Equipment**

Operations books and supplies expenditures increased by $6,835 for the operating supplies used by the support staff at the warehouse and repair & maintenance supplies.

- **Operations and Facilities Services and Operating Costs**

The services and operating expenditures decreased by $19,743 (from $177,201 to $157,458) which reflect the lease payments, maintenance services and utilities for the learning center facilities operated throughout the five counties which GLC served during 2003-2004. A portion of this decrease is reflected in the increase in the operations supplies and equipment costs, which was identified by the detailed review of the general ledger by both object and function.

- **Administrative Salaries and Benefits**

Certificated salaries and benefits expenditures increased by $173,205 (from $34,871 to $208,076) the revised calculation allocates a portion of the administrator salaries and benefits out of the instructional category to administrative salaries and benefits. The original application included only the allocated portion of the executive director's salary, whereas the revised figure includes the allocated portion of the executive director's salary as well as the salaries of the Educational Resource Administrators (ERAs).

Classified salaries and benefits expenditures increased by $290,349 (from $420,421 to $710,770) which as with the certificated salaries and benefits allocated the costs of the office and administration out of the instructional category to the administrative category.

- **Administrative Books, Supplies and Equipment**

  Administrative books and supplies expenditures decreased by $79,121 (from $210,468 to $131,347) as a result of a detailed review of the general ledger by both object and function to clearly identify the costs to instructional, operating or administrative categories, as well as from books & supplies to services.

- **Administrative Contract Services**

  The administrative services contracts expenditures decreased by $18,663 (from $23,663 to $5,000) as there was only one contract that was identified for administrative assistance. All other administrative services were performed in-house for the 2003-2004 year.

- **Administrative Operating Services and Costs**

  The administrative operating services expenditures increased by $448,336 (from $22,790 to $471,126) for the identified costs of board stipends, administrative office costs, and conferences, insurance, mileage, and other costs as a result of a detailed review of the general ledger by both object and function to clearly identify the costs to instructional, operating or administrative as well as from books & supplies to services.

- **Other Outgo**

  The other outgo expenditures were decreased from $1,657,223 from the original reported $1,657,223, which increased the total expenditures. This amount was moved to the Total Excess Revenues Reserve for Facilities Acquisition, which reserved an amount for the purchase of the current administrative building in the 2005-2006 year.

Facility Mitigation

The original SB 740 Funding Determination did not request consideration of any Facility Mitigation costs. We are asking that this option be considered in the reconsideration because GLC operated seven learning centers and campuses that were used by GLC students during the 2003-04 and 2004-05 school year, which resulted in increased costs for staffing and facilities expenses that were incurred during the 2003-2004 school year. The use of the facility mitigation would allow these facility support costs to be included with our instructional costs and to have the additional 6.94% added to the 68.98% instructional for total instructional costs of 75.92%

Funding Percentages

The original SB740 Funding Determination for 2004-05 resulted in a percentage of 60.29% for certificated staff costs and a percentage of 83.57% for expenditures on instruction and related services. This resulted in 100% funding approval for two years.

However, after the internal review by GLC and the subsequent review by VTD, for the resubmission of the 2004-05 Funding Determination, certificated staff costs are at 54.67% and the expenditures for instructional and related services are at 68.98% without the facility mitigation option. In the MGT of America, Inc. report, their review reflected that the instructional and related services expenditures would be at 72.6%. With the facility mitigation option, our instructional costs would be increase by 6.94% to 75.92%, which would be in agreement with the MGT report for 85% for the 2004-05 Funding Determination.

As identified by the funding determination eligibility (see 5 CCR Section 11963.4(a)(2)), when the certificated staff compensation equals or exceeds 50% of total public revenues and the total instructional and related services costs equals or exceed 70% but less than 80%, then an 85% funding is allowable. As GLC falls within these parameters with the facility mitigation option, we feel that this would be a fair and reasonable request.

Conclusion

GLC is asking the California Department of Education staff, the ACCS and the State Board of Education to review our 2004-2005 Revised SB740 Funding Determination as prepared to be consistent with the recommendations of MGT and the comprehensive review by VTD, for consideration for an 85% funding level. Should CDE staff need any additional information related to this resubmission, please contact GLC immediately. GLC understands that the original SB740 Funding Determination was prepared with inconsistencies in recording and reporting and accepted erroneously for 100% and that this would require GLC to repay the State the difference. GLC assures you that these recording and reporting inconsistencies have been corrected and are no longer occurring and that we are making all efforts to clear any past errors. GLC is asking for your support and approval to assist us in moving forward with our current families, students and staff.

Sincerely,

Cecelia J. Cummings

Cecelia J. Cummings
Director of Operations

Attachments:
2004-05 Nonclassroom-Based Funding Determination
Exhibit A – VTD review letter and worksheet
Exhibit B – Adjusting Journal Entry for 2003-2004 Special Education
Exhibit C – Adjusting Journal Entry Report from Vicenti Lloyd & Stutzman, LLP

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
Assignment of Numbers for Charter School Petitions.	☒ Action ☒ Information ☐ Public Hearing

SUMMARY OF THE ISSUE(S)

The State Board of Education (SBE) is responsible for assigning a number to each approved charter petition. The California Department of Education (CDE) staff presents this routine request for assignment of charter numbers as a standard action item.

RECOMMENDATION

The CDE recommends that the SBE assign charter numbers to the charter schools identified on the attached list.

BRIEF HISTORY OF KEY ISSUES

Since the charter school law was enacted in 1992, the SBE has assigned numbers to 1,401 charter schools, including some approved by the SBE after denial by local educational agencies. Separate from that numbering system, 8 all-charter districts which currently serve a total of 18 school sites, have been jointly approved by the State Superintendent of Public Instruction and the SBE.

California *Education Code (EC)* Section 47602 requires the SBE to assign a number to each charter school that has been approved by a local entity in the chronological order in which it was received. This numbering ensures that the state stays within a statutory cap on the total number of charter schools authorized to operate. The statutory cap for fiscal year 2011–12 is 1,550. The statutory cap is not subject to waiver.

The charter schools listed in Attachment 1 were recently approved by local boards of education as noted. Copies of the charter petitions are on file in the Charter Schools Division.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE is responsible for assigning a number to each approved charter petition. CDE staff presents this routine request for assignment of charter numbers as a standard action item.

FISCAL ANALYSIS (AS APPROPRIATE)

There is no fiscal impact to the state resulting from the assignment of numbers to recently authorized charter schools.

ATTACHMENT(S)

Attachment 1: Assignment of Numbers for Charter School Petitions (3 Pages)

Attachment 2: California *Education Code* Section 47602 (1 Page)

Assignment of Numbers for Charter School Petitions

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1402	Equitas Academy Charter School	Los Angeles	Los Angeles Unified School District	Malka Borrego 631 South Commonwealth Los Angeles, CA 90005
1403	Green Valley School of Academics	Shasta	Cascade Union Elementary School District	Rita Mitchell 1645 West Mill Street Anderson, CA 96007
1404	Rocketship Eight Elementary School	Santa Clara	Santa Clara County Office of Education	Carolyn Davies 420 Florence Street Suite 300 Palo Alto, CA 94301
1405	Leroy Greene Academy	Sacramento	Natomas Unified School District	Angela Herrera 1901 Arena Boulevard Sacramento, CA 95834
1406	Apple Academy Charter Public School	Los Angeles	Los Angeles Unified School District	David Cunningham 4900 Western Avenue Los Angeles, CA 90062
1407	Stephen W. Hawking Charter School	San Diego	Sweetwater Union High School District	Susan Mitchell 1130 Fifth Avenue Chula Vista, CA 91911
1408	Manteca Unified Vocational Academy	San Joaquin	Manteca Unified School District	Diane Medeiros 2271 West Louise Avenue Manteca, CA 95337
1409	REACH Leadership Academy	Riverside	Riverside Unified School District	Virgie Rentie 231 East Alessandro Boulevard, Suite A-408 Riverside, CA 92508
1410	City Charter Middle School	Los Angeles	Los Angeles Unified School District	Lindsay Sturman 345 South Rossmore Avenue Los Angeles, CA 90020
1411	Academy of Science and Engineering	Los Angeles	Los Angeles Unified School District	Edward Robillard 8825 South Vermont Avenue Los Angeles, CA 90044

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1412	Math and Science College Prep	Los Angeles	Los Angeles Unified School District	Emilio Pack 1524 Loma Drive Hermosa Beach, CA 90254
1413	Citizens of the World 2	Los Angeles	Los Angeles Unified School District	Gene Straub 5571 Wilshire Boulevard, Suite 210 Los Angeles, CA 90036
1414	Citizens of the World 3	Los Angeles	Los Angeles Unified School District	Gene Straub 5571 Wilshire Boulevard, Suite 210 Los Angeles, CA 90036
1415	Academies of the Antelope Valley	Los Angeles	Antelope Valley Union High School District	R. Michael Dutton 3041 West K Avenue Lancaster, CA 93536
1416	Escalon Charter Academy	San Joaquin	Escalon Unified School District	Joel Johannsen 1520 Yosemite Avenue Escalon, CA 95320
1417	San Miguel Charter School	Sonoma	Mark West Union Elementary School District	Kent Cromwell 5350 Faught Road Santa Rosa, CA 95403
1418	Imperial Beach Charter School	San Diego	South Bay Union Elementary School District	Pamela Reichert-Montiel 650 Imperial Beach Boulevard Imperial Beach, CA 91932
1419	The Academy	Orange	Orange County Department of Education	Cal Winslow 1575 East 17th Street Santa Ana, CA 92705
1420	Siskiyou Charter School	Siskiyou	Delphic Elementary School District	Debbie Faulkner 1420 Delphic Road Montague, CA 96064
1421	Coronado Digital Academy	San Diego	Coronado Unified School District	Kevin Nicolls 555 D Avenue Coronado, CA 92118
1422	John B. Riebli Charter School	Sonoma	Mark West Union Elementary School District	Fran Hansell 315 Mark West Springs Road Santa Rosa, CA 95404

Number	Charter Name	County	Authorizing Entity	Charter School Contact
1423	Old Adobe Elementary Charter School	Sonoma	Old Adobe Union School District	Jeff Williamson 2856 Adobe Road Petaluma, CA 94954
1424	Miwok Valley Language Academy Charter School	Sonoma	Old Adobe Union School District	Kim Harper 1010 St. Francis Drive Petaluma, CA 94954
1425	Save our Future Charter School	San Diego	Mountain Empire Unified School District	Charlotte Jordan 3291 Buckman Springs Road Pine Valley, CA 91962
1426	Epiphany Prep Charter School	San Diego	San Diego Unified School District	David Rivera 1065 Orangewood Drive Escondido, CA 92025
1427	Forest Charter School	Nevada	Nevada County Office of Education	Peter Sagebiel 224 Church Street Nevada City, CA 95959
1428	Twin Ridges Home Study Charter School	Nevada	Nevada County Office of Education	Jenny Travers 111 New Mohawk Nevada City, CA 95959

California *Education Code* Section 47602

47602. (a) (1) In the 1998-99 school year, the maximum total number of charter schools authorized to operate in this state shall be 250. In the 1999-2000 school year, and in each successive school year thereafter, an additional 100 charter schools are authorized to operate in this state each successive school year. For the purposes of implementing this section, the State Board of Education shall assign a number to each charter petition that it grants pursuant to subdivision (j) of Section 47605 or Section 47605.8 and to each charter notice it receives pursuant to this part, based on the chronological order in which the notice is received. Each number assigned by the state board on or after January 1, 2003, shall correspond to a single petition that identifies a charter school that will operate within the geographic and site limitations of this part. The State Board of Education shall develop a numbering system for charter schools that identifies each school associated with a charter and that operates within the existing limit on the number of charter schools that can be approved each year. For purposes of this section, sites that share educational programs and serve similar pupil populations may not be counted as separate schools. Sites that do not share a common educational program shall be considered separate schools for purposes of this section. The limits contained in this paragraph may not be waived by the State Board of Education pursuant to Section 33050 or any other provision of law.

(2) By July 1, 2003, the Legislative Analyst shall, pursuant to the criteria in Section 47616.5, report to the Legislature on the effectiveness of the charter school approach authorized under this part and recommend whether to expand or reduce the annual rate of growth of charter schools authorized pursuant to this section.

(b) No charter shall be granted under this part that authorizes the conversion of any private school to a charter school. No charter school shall receive any public funds for a pupil if the pupil also attends a private school that charges the pupil's family for tuition. The State Board of Education shall adopt regulations to implement this section.

CALIFORNIA STATE BOARD OF EDUCATION

MAY 2012 AGENDA

SUBJECT	
State Instructional Materials Fund—Approve Tentative Encumbrances and Allocations for Fiscal Year 2012–13	☒ Action ☒ Information ☐ Public Hearing

RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve a resolution for the State Instructional Materials Fund Tentative Encumbrances and Allocations for fiscal year 2012–13 (Attachment 2), with the amounts subject to change based on the final amount appropriated in the Budget Act of 2012, or related legislation for instructional materials.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

This agenda item is annually submitted to and approved by the SBE.

SUMMARY OF KEY ISSUES

In accordance with California *Education Code* Section 60242, the SBE must encumber funds from the State Instructional Materials Fund which is administered by the CDE. The information attached describes the allocation formulas and requirements (Attachment 1), and provides a resolution for the tentative determination of encumbrances and allocations for the State Instructional Materials Fund for fiscal year 2012–13 (Attachment 2).

FISCAL ANALYSIS (AS APPROPRIATE)

SBE approval of the 2012–13 State Instructional Materials Fund encumbrances and allocations authorizes the apportionment of an estimated $333,689,000, subject to the final amount appropriated in the Budget Act of 2012 or related legislation. CDE recommends that funds be encumbered for the purchase of accessible instructional materials, the cost of warehousing and transporting materials, and the balance for allocations to local educational agencies for their regular instructional materials needs.

ATTACHMENT(S)

Attachment 1: Tentative Determination of Encumbrances and Allocations for the State Instructional Materials Fund for Fiscal Year 2012–13 (2 pages)

Attachment 2: State Board of Education Resolution for Fiscal Year 2012–13 (1 page)

Tentative Determination of Encumbrances and Allocations for the State Instructional Materials Fund for Fiscal Year 2012–13

State funding for the acquisition of instructional materials is provided by an annual appropriation from the General Fund for transfer to the State Instructional Materials Fund. For fiscal year 2012–13, the proposed budget provides an estimated $333,689,000 for this purpose.

To allocate the instructional materials funds, the following is presented to the State Board of Education (SBE) for consideration and approval:

Accessible Instructional Materials—California *Education Code* Section 60240(c)(1)

The SBE is to encumber part of the State Instructional Materials Fund to pay for the cost of accessible instructional materials (such as Braille and large print) pursuant to California *Education Code (EC)* sections 60312 and 60313 to accommodate pupils who are visually impaired or have other disabilities and are unable to access the general curriculum. The estimated cost for this purpose in 2012–13 is $995,000.

Reserve to Pay Cost to Replace Materials Lost in Disasters— California *Education Code* Section 60240(c)(2)

The SBE is to encumber part of the State Instructional Materials Fund, in an amount up to $200,000 each year, to pay for the cost of replacing instructional materials that are lost or destroyed by reason of fire, theft, natural disaster, or vandalism. The SBE's current policy is to keep a reserve of $50,000 in the disaster fund, and limit each school district's claim to a maximum of $5,000 or a district's insurance deductible amount, whichever is less. An additional set aside is not needed for fiscal year 2012–13.

Warehousing and Transporting Instructional Materials—California *Education Code* Section 60240(c)(3)

The SBE may set aside part of the State Instructional Materials Fund for the costs of warehousing and transporting instructional materials it has acquired. The estimated cost for this purpose in 2012–13 is $450,000.

Instructional Materials Loans—California *Education Code* Section 60240(d)

The CDE may expend up to $5 million from the State Instructional Materials Fund, upon request of a county superintendent and notification to the SBE, to acquire materials for school districts that were found by their county superintendents to have insufficient textbooks or instructional materials. Such funds are to be repaid by the school district.

Funding for this purpose, $5 million, was appropriated to the State Instructional Materials Fund by Section 23(a)(1) of Senate Bill 550 (Chapter 900, Statutes of 2004). All of these funds remain available without regard to fiscal year.

Establishing a Per Local Educational Agency Allowance—California *Education Code* Section 60242(a)

The SBE is to encumber funds for the purpose of establishing an allowance for each school district, county office of education, state special school, and all-charter school district that is funded through the revenue limit (local educational agency [LEA]). The estimated amount of funds available for the allowance after funds are encumbered for accessible instructional materials and warehousing and transporting instructional materials is $332,244,000.

Pursuant to *EC* Section 42605(b)(1), each LEA's allowance for fiscal year 2012–13 is to be based on its proportionate share of the Instructional Material Realignment Program funds allocated in 2008–09. Pursuant to *EC* Section 42605(a)(1), these funds, as well as funds from numerous other categorical programs may now be used for any educational purpose, as only limited by *EC* Section 42605(e)(2). This paragraph requires that any instructional materials purchased by an LEA with these funds be kindergarten through grade eight materials adopted by the SBE, grades nine through twelve materials aligned with state standards as defined in *EC* Section 60605, and that LEAs meet the reporting and sufficiency requirements contained in *EC* Section 60119.

Pursuant to *EC* Section 14041, each LEA's allowance is to be apportioned on a monthly basis, with apportionments representing 5 percent of the total entitlement for each LEA in both July and August 2012, and nine percent in each of the months September 2012 through June 2013.

State Board of Education Resolution
Fiscal Year 2012–13

Tentative Determination of Encumbrances and Allocations for the State Instructional Materials Fund

WHEREAS, California *Education Code* sections 60240 and 60242 require the State Board of Education (SBE) to encumber parts of the State Instructional Materials Fund for use in acquiring and distributing instructional materials, therefore, be it

RESOLVED, the SBE hereby tentatively encumbers the following amounts of the State Instructional Materials Fund for fiscal year 2012–13, subject to change based on the final amount appropriated in the Budget Act of 2012, or related legislation, for instructional materials:

California *Education Code* Section 60240(c)(1)	To pay for the cost of accessible instructional materials.	$995,000
California *Education Code* Section 60240(c)(3)	To pay for the cost of warehousing and transporting instructional materials.	$450,000
California *Education Code* Section 60242(a)	To establish an allowance per participating local educational agency based upon the relative proportion of Instructional Materials Funding Realignment Program funds that each local educational agency received for the program in 2008–09.	$332,244,000